

# **Exhibit D**



## Did You Know?

- Michael Hausfeld is Named One of Thirty Master Negotiators in the World in *"Done Deal: Insights from Interviews with the World's Best Negotiators"* by Michael Benoliel, Ed.D.
- Forbes Reports Cohen Milstein Establishes International Legal Alliance to Protect Consumers and Investors Worldwide

## Forbes

- National Law Journal Names Cohen Milstein One of the Top Plaintiff's Law Firms in the Country for 2 Years in a Row



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**COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C. FIRM RESUME**

For decades, Cohen, Milstein, Hausfeld & Toll, P.L.L.C. has represented individuals, small businesses, institutional investors, and employees in many of the major class action cases litigated in the United States for violations of the antitrust, securities, environmental, consumer protection, civil rights/discrimination, ERISA and human rights laws. The Firm is also at the forefront of numerous innovative legal actions that are expanding the quality and availability of legal recourse for aggrieved individuals and businesses both domestic and international. Over its history, Cohen Milstein has obtained many landmark judgments and settlements for individuals and businesses in the United States and abroad.

The firm's most significant past cases include:

- In re Vitamins Antitrust Litigation, MDL No. 1285 (D.D.C.).  
Cohen Milstein served as co-lead counsel for two certified classes of businesses that directly purchased bulk vitamins and were overcharged as a result of a ten year global price-fixing and market allocation conspiracy. Chief Judge Hogan approved four major settlements between certain vitamin defendants and Class Plaintiffs, including a landmark partial settlement of \$1.1 billion. In a later trial before Chief Judge Hogan concerning four Class Plaintiffs' remaining unsettled Vitamin B4 (choline chloride) claims, a federal jury in Washington unanimously found Japan's second largest trading company, Mitsui & Co., Ltd., its wholly-owned U.S. subsidiary Mitsui & Co. (U.S.A.), Inc., DuCoa, LP, a choline chloride manufacturer based in Highland, Illinois, and DuCoa's general partner, DCV, Inc. liable for participating in the conspiracy and ordered them to pay \$49,539,234, which is trebled to \$148,617,702 under the federal antitrust laws. The case was subsequently settled against those defendants.
- Dukes v. Wal-Mart Stores, Inc., No. C-01-2252 (N.D. Cal.).  
Cohen Milstein is one of the co-lead counsel in this discrimination case. In June 2004, U.S. District Court Judge Martin Jenkins ruled that six current and former Wal-Mart employees from California may represent all female employees of Wal-Mart who worked at its U.S. stores anytime after December 26, 1998 in a nationwide sex discrimination class action lawsuit (appeal pending). As the largest civil rights class action ever certified against a private employer, the Judge described the case as "historic in nature, dwarfing other employment discrimination cases that came before it." The action charges that Wal-Mart discriminates against its female retail employees in pay and promotions. The

class in this case includes more than 1.5 million current and former female employees of Wal-Mart retail stores in America, including Wal-Mart discount stores, super centers, neighborhood stores, and Sam's Clubs.

- In re Lucent Technologies Securities Litigation, Civ. Action No. 00-621 (JAP) (D.N.J.). A settlement in this massive securities fraud class action was reached in late March 2003. The class portion of the settlement amounts to over \$500 million in cash, stock and warrants and ranks as the second largest securities class action settlement ever completed. Cohen Milstein represented one of the co-lead plaintiffs in this action, a private mutual fund.

- Nate Pease, et al. v. Jasper Wyman & Son, Inc., et al., Civil Action No. 00-015 (Knox County Superior Court, Me.). In 2004, a state court jury from Maine found three blueberry processing companies liable for participating in a four-year price-fixing and non-solicitation conspiracy that artificially lowered the prices defendants paid to approximately 800 growers for wild blueberries. The jury ordered defendants Cherryfield Foods, Inc., Jasper Wyman & Son, Inc., and Allen's Blueberry Freezer, Inc. to pay \$18.68 million in damages, the amount which the growers would have been paid absent the defendants' conspiracy. After a mandatory trebling of this damage figure under Maine antitrust law, the total amount of the verdict for the plaintiffs is just over \$56 million. The Firm served as co-lead counsel.

- In re StarLink Corn Products, Liability Litigation, MDL No. 1403. (N.D. Ill.). Cohen Milstein successfully represented U.S. corn farmers in a national class action against Aventis CropScience USA Holding and Garst Seed Company, the manufacturer and primary distributor of StarLink corn seeds. StarLink is a genetically modified corn variety that the United States government permitted for sale as animal feed and for industrial purposes, but never approved for human consumption. However, StarLink was found in corn products sold in grocery stores across the country and was traced to widespread contamination of the U.S. commodity corn supply. The Firm, as co-lead counsel, achieved a final settlement providing more than \$110 million for U.S. corn farmers, which was approved by a federal district court in April 2003. This settlement was the first successful resolution of tort claims brought by farmers against the manufacturers of genetically modified seeds.

- In re Diet Drug Litigation (Fen-Phen), MDL No. 1203 (E.D. Pa.). As a member of the Plaintiffs' Management Committee and Sub-Class Counsel, Cohen Milstein played a major part in the success of the Fen-Phen diet drug litigation and settlement (*In re: Diet Drugs (Phentermine, Fenfluramine, Dexfenfluramine) Products Liability Litigation*, MDL 1203). CMHT and other plaintiffs' counsel achieved the largest settlement ever obtained in a mass tort case - \$3.75 billion - on behalf of millions of U.S. consumers who used Pondimin (fenfluramine) or Redux (dexfenfluramine), either alone or in combination with phentermine, diet drugs that are associated with heart valve damage.

- Snyder v. Nationwide Mutual Insurance Company, No. 97/0633 (Sup. Ct. N.Y. Onondaga Cty.). Cohen Milstein served as one of plaintiffs' principal counsel in this case on behalf of persons who held life insurance policies issued by Nationwide through its captive agency force. The action alleged consumer fraud and misrepresentations. Plaintiffs obtained a settlement valued at more than \$85 million. The judge praised the efforts of Cohen Milstein and its co-counsel for having done "a very, very good job for all the people." He complimented "not only the manner" in which the result was arrived at, but also the "time ... in which it was done."

- Oncology & Radiation Associates, P.A. v. Bristol Myers Squibb Co., et al., No. 1:01CV02313 (D.D.C.). Cohen Milstein has been co-lead counsel in this case since its inception in 2001. Plaintiffs alleged that Bristol-Myers Squibb unlawfully monopolized the United States market for paclitaxel, a cancer drug discovered and developed by the United States government, which Bristol sells under the brand name Taxol. Bristol's scheme included a conspiracy with American BioScience, Inc., a generic manufacturer, to block generic competition. Cohen, Milstein's investigation and prosecution of this litigation on behalf of direct purchasers of Taxol led to a settlement of \$65,815,000 that was finally approved by U.S. District Judge Emmet G. Sullivan on August 14, 2003 and preceded numerous Taxol-related litigations brought by the Federal Trade Commission and State Attorneys General offices.

- Kruman v. Christie's International PLC, et al., Docket No. 01-7309. A \$40 million settlement on behalf of all persons who bought or sold items through Christie's or Sotheby's auction houses in non-internet actions was approved in this action. Cohen Milstein served as one of three leading counsel on behalf of foreign plaintiffs. The Court noted that approval of the settlement was particularly appropriate, given the significant obstacles that faced plaintiffs and plaintiffs' counsel in the litigation. The settlement marked the first time that claims on behalf of foreign plaintiffs under U.S. antitrust laws have been resolved in a U.S. court, a milestone in U.S. antitrust jurisprudence.

- In re Infant Formula Consumer Antitrust Litigation (multiple state courts). Cohen Milstein instituted price-fixing cases on behalf of indirect-purchasers in 17 states under state antitrust laws against three companies who conspired to drive up the price of infant formula. The cases resulted in settlements of \$64 million for purchasers of infant formula.

- Domestic Air Transportation Antitrust Litigation (N.D. Ga.) Plaintiffs alleged a conspiracy among major airlines to set prices. In one of the largest consumer class actions ever brought to a successful conclusion, Cohen Milstein was one of the lead counsel and obtained a settlement of travel discounts and cash totaling \$458 million for the class of individuals and businesses.

- In re The Exxon Valdez Litigation, No. A89-095 Civ. (D. Ak.). The firm was selected from dozens of law firms around the country by federal and

state judges in Alaska to serve as co-lead counsel for plaintiffs in the largest environmental case in United States history that resulted in a jury verdict of more than \$5 billion (reversed and remanded for revised punitive damages award; further proceedings pending).

- Holocaust Litigation. In the historic Swiss Banks litigation, CMHT served, *pro bono*, as co-lead counsel for Holocaust survivors against the Swiss banks that collaborated with the Nazi regime during World War II by laundering stolen funds, jewelry and art treasures. Cohen Milstein obtained a \$1.25 billion settlement, leading the presiding judge to call the firm's work "indispensable." See *In re Holocaust Victim Assets Litig.*, Case No. CV 96-4849 (ERK) (MDG) (Memorandum of Chief Judge Korman dated July 26, 2002). The Firm was also a lead counsel in litigation by survivors of World War II-era forced and slave labor in litigation against the German companies that profited from using the labor of concentration camp inmates. This litigation, which resulted in an unprecedented settlement of \$5.2 billion, was resolved by multinational negotiations involving the defendants, plaintiffs' counsel, and the governments of several countries for approximately two million claimants.

Cohen Milstein has contributed over 37,000 hours of time to human rights and *pro bono* cases since 1996. As an example, the Firm represented eight survivors and/or families of the victims of the September 11, 2001 attack on the Pentagon before the Federal compensation fund. Cohen Milstein has obtained a substantial recovery for each, including the highest recovery to date, \$6.8 million, for an injured individual.

- Roberts v. Texaco, Inc., 94-Civ. 2015 (S.D.N.Y.). Cohen Milstein represented a class of African-American employees in this landmark litigation that resulted in the then-largest race discrimination settlement in history (\$176 million in cash, salary increases and equitable relief). The Court hailed the work of class counsel for, *inter alia*, "framing an imaginative settlement, that may well have important ameliorative impact not only at Texaco but in the corporate context as a whole ...".

- Conanan v. Tanoue, No. 00-CV-3091 (ESH). Cohen Milstein represented African-American employees at the Federal Deposit Insurance Corporation (FDIC) in this race discrimination suit, which settled for \$14 million. The settlement provides the largest payment made in an employment discrimination class action based on race against a federal agency.

- Trotter v. Perdue Farms, Inc., Case No. 99-893 (RRM) (JJF) (MPT), D. Del. This suit on behalf of hourly workers at Perdue's chicken processing facilities -- which employ approximately 15,000 people -- forced Perdue to pay employees for time spent "donning and doffing," that is, obtaining, putting on, sanitizing and removing protective equipment that they must use both for their own safety and to comply with USDA regulations for the safety of the food supply. The suit alleged that Perdue's practice of not counting donning and

doffing time as hours worked violated the Fair Labor Standards Act and state law. In a separate settlement with the Department of Labor, Perdue agreed to change its pay practices. In addition, Perdue is required to issue retroactive credit under one of its retirement plans for “donning and doffing” work if the credit would improve employees’ or former employees’ eligibility for pension benefits. CMHT was co-lead counsel.

In addition, Cohen Milstein is an innovator in new areas of the law. The Firm was in the forefront of filing antitrust claims on behalf of indirect purchasers in 1993 and 1994, when it filed state-court actions in 18 states on behalf of indirect purchasers of infant formula. This was the first effort to systematically and simultaneously pursue treble damages claims on behalf of indirect-purchasing consumers in all states where antitrust laws permitted such claims. This approach, and variations of it, have since become the accepted model for pursuing antitrust damages on behalf of indirect-purchasing consumers. The Firm also has been in the forefront of the development of international antitrust theory and litigation of claims. As the global economy has produced worldwide conglomerates, so, too, has the nature of antitrust violations changed. For example, in *Kruman v. Christie’s International PLC, et al.* Docket No. 01-7309 and *In re Bulk Vitamins Antitrust Litigation*, MDL 1285 (D.D.C.), both the parties and the anticompetitive actions were played out on a world, rather than domestic, stage. The firm also represents and won Lead Plaintiff status for domestic and foreign investors in a foreign company’s bonds, in a PSLRA litigation being pursued in the United States, *In re Parmalat Securities Litigation*, Master Docket 04 Civ 0030 (LAK) (S.D.N.Y.). The Firm has affiliated offices around the world, in the United Kingdom, Italy, South Africa, Panama and Australia.

Cohen, Milstein, Hausfeld & Toll, P.L.L.C. was established in March 1986 and is based in Washington, D.C. with offices in New York, Philadelphia and Chicago. From

1969 until 1986, the Firm was the Washington, D.C. office of the Philadelphia law firm currently known as Kohn, Swift & Graf, P.C..

The Firm has had one of the most varied and extensive plaintiffs' practices in the United States, and it has played a prominent role in major litigations since 1969. These cases include:

In re North Atlantic Air Travel Antitrust Litigation, Civ. Action No. 84-1103 (D.D.C.); the Firm, as co-lead counsel, obtained a class settlement of \$30 million in coupons for air travelers between the United States and England.

In re Screws Antitrust Litigation, MDL No. 443 (D. Mass.); the Firm, as co-lead counsel, obtained a class settlement of approximately \$50 million.

Ocean Shipping Antitrust Litigation, MDL No. 395 (S.D.N.Y.); the Firm, as co-lead counsel, obtained a class settlement of approximately \$50 million.

In re Corrugated Container Antitrust Litigation, MDL No. 310 (S.D. Tex.); the Firm was one of a handful of firms involved in the successful trial of this massive antitrust case which was eventually settled for approximately \$366 million.

Murphy, Derivatively On Behalf of Nominal Defendant National Health Laboratories Incorporated v. Perelman, Case No. 659511 (Cal. Sup. San Diego Cty.); as one of co-lead counsel in the derivative action, the firm and others obtained a global settlement of class and derivative litigation for \$65 million.

In re Flat Glass Antitrust Litigation, MDL No. 1200, (W.D. Pa.); the Firm as co-lead counsel obtained a total of \$ 61.7 million in settlement funds on behalf of glass shops, window manufacturers, and others who directly purchased the affected products from the defendants.

Buspirone Antitrust Litigation, MDL No. 1413 (S.D.N.Y.); as one of four co-lead counsel, the Firm and others obtained a \$90 million settlement for the class.

Masonite Hardboard Siding Litigation, Civ. Action No. 996787 (Cal. Super. Ct.); the Firm, as one of the lead counsel, obtained a settlement valued at hundreds of millions of dollars.

Polybutylene Pipe Litigation, Civ. Action No. W 2004-017770COA-R3-CV (W.D. Tenn.); the Firm helped obtain a settlement valued at \$900 million.

Biben v. Card, No. 84-0844-CV-W-6 (W.D. Mo.); the Firm, as one of two co-lead counsel, negotiated settlements for \$11.9 million, which was 93% of class members' damages.

In re Newbridge Networks Securities Litigation, Civ. Action No. 90-1061



(D.D.C.); the Firm, as co-counsel, obtained a cash and stock class settlement valued at approximately \$20 million.

Jiffy Lube Securities Litigation, Civ. Action No. Y-89-1939 (D. Md.); the Firm, as co-lead counsel, obtained class settlements for a total of \$12 million.

In re Saxon Securities Litigation, Civ. Action No. 82 Civ. 3103 (S.D.N.Y.); the Firm, as co-lead counsel, obtained a class settlement of approximately \$20 million.

Grossman v. Waste Management, Civ. Action No. 83 Civ. 2167 (N.D. Ill.); the Firm, as co-lead counsel, obtained a class settlement of approximately \$13 million.

In re Warner Communications Securities Litigation, 618 F. Supp. 735 (S.D.N.Y. 1986); the Firm was one of plaintiffs' counsel in this case where a class settlement of \$18.4 million was obtained.

In re Tandon Securities Litigation, No. CV86-4566 (C.D. Cal.); the Firm played a major role in this class action where settlement was valued at approximately \$16 million.

Immunex Securities Litigation, No. C92-548WD (W.D. Wash.); the firm was one of lead counsel where the largest securities class action settlement in Seattle -- \$14 million -- was recovered.

In re Caremark Securities Litigation, Case No. 94 C 4751 (N.D. Ill.); the Firm, as co-lead counsel, obtained a class settlement of \$25 million.

In re Commercial Explosives Antitrust Litigation, Consolidated Case No. 2:96md 1093S (D. Utah); the Firm, as co-lead counsel, obtained a settlement of \$77 million.

Cohen Milstein has also served as lead or co-lead counsel, or on Plaintiffs' Executive Committee(s), in many dozens of antitrust, securities, consumer protection or product liability, civil rights, and human rights class action cases.

#### **Attorney Profiles - Partners**

##### **Herbert E. Milstein**

Herbert E. Milstein began practicing law with Jerry S. Cohen in 1970 -- the birth of the Firm. Mr. Milstein has been lead or principal counsel in many of the best known securities class actions litigated during the past 35 years. He is the senior member of the Securities Fraud/Investor Protection practice group.

Mr. Milstein is the author of numerous articles on topics involving class action litigations and the Federal securities laws. He recently authored an article on current issues involving federal securities laws and a separate article in the book entitled *The Burger Years*. He is also the author of a monograph on the attorney-client privilege.

As an adjunct Professor of Law at Georgetown University Law Center from 1980-1987, he taught complex litigation and continues to lecture on securities litigation and class actions at law schools and seminars sponsored by the American Bar Association, state bar associations, and continuing legal education organizations. In 1985, he received a Silver Gavel award from the American Bar Association for his distinguished example of public service.

Mr. Milstein formerly served on the staff of the Securities and Exchange Commission for five and one-half years, and last held the position of Chief Enforcement Attorney, Division of Corporate Regulation. From 1976-1980, Mr. Milstein served as Equity Receiver for National American Life Insurance Company, appointed by Judge Charles R. Richey, in *SEC v. National Pacific Corp.* For that work, the Chairman of the SEC said Mr. Milstein and the Firm served "with distinction."

Formerly the President of the National Association of Securities and Commercial Law Attorneys (NASCAT), he also served as Treasurer of that organization for six years. He is a member of the American Law Institute, and a member and former Chairman of the Executive Council of the Securities Law Committee of the Federal Bar Association.

Mr. Milstein is currently on the Board of Directors of several organizations, including the Appleseed Foundation and The Studio Theatre of Washington, DC.

Mr. Milstein graduated from Harvard College (*cum laude*, 1958) and Columbia University School of Law (LL.B., 1961).

Mr. Milstein is admitted to practice in the District of Columbia and Massachusetts.

#### **Michael D. Hausfeld**

Michael Hausfeld, one of the country's top civil litigators, joined the Firm in 1971. He is a member of the Antitrust and International practice groups.

Mr. Hausfeld's career has included some of the largest and most successful class actions in the fields of human rights, discrimination and antitrust law. He long has had an abiding interest in social reform cases, and was among the first lawyers in the U.S. to assert that sexual harassment was a form of discrimination prohibited by Title VII; he successfully tried the first case establishing that principle. He represented Native Alaskans whose lives were affected by the 1989 Exxon Valdez oil spill; later, he negotiated a then-historic \$176 million settlement from Texaco, Inc. in a racial-bias discrimination case.

In *Friedman v. Union Bank of Switzerland*, Mr. Hausfeld represented a class of victims of the Holocaust whose assets were wrongfully retained by private Swiss banks during and

after World War II. The case raised novel issues of international banking law and international human rights law. He successfully represented the Republic of Poland, the Czech Republic, the Republic of Belarus, the Republic of Ukraine and the Russian Federation on issues of slave and forced labor for both Jewish and non-Jewish victims of Nazi persecution during World War II. He currently represents Jubilee 2000, Khulumani, and other NGOs in litigation involving abuses under apartheid law in South Africa, and is pursuing a RICO litigation against the tobacco industry with regard to the sale of and representations on "light" cigarettes.

Mr. Hausfeld has a long record of successful litigation in the antitrust field, on behalf of both individuals and classes, in cases involving monopolization, tie-ins, exclusive dealings and price fixing. He is or has been co-lead counsel in antitrust cases against manufacturers of genetically engineered foods, managed healthcare companies, bulk vitamin manufacturers, technology companies and international industrial cartels. He is actively involved in ongoing investigations into antitrust cases abroad, and was the only private lawyer permitted to attend and represent the interests of consumers worldwide in the 2003 closed hearings by the EU Commission in the Microsoft case.

Chief Judge Edward Korman (E.D.N.Y.), has noted that Mr. Hausfeld is one of the two "leading class action lawyers in the United States." He has been profiled in, and recognized by, many articles and surveys. Most recently, a *Forbes* magazine article reported on Mr. Hausfeld's work to establish an international alliance for the protection of consumers and investors worldwide. He was named one of thirty master negotiators in *Done Deal: Insights from Interviews with the World's Best Negotiators*, by Michael Benoliel, Ed.D. *The Wall Street Journal* profiled him and his practice, and he has been recognized by *The National Law Journal* as one of the "Top 100 Influential Lawyers in America." He has been described by one of the country's leading civil rights columnists as an "extremely penetrating lawyer", and by a colleague (in a *Washington Post* article) as a lawyer who "has a very inventive mind when it comes to litigation. He thinks of things most lawyers don't because they have originality pounded out of them in law school." *The New York Times* referred to Mr. Hausfeld as one of the nation's "most prominent antitrust lawyers," and *Washingtonian Magazine* has listed Mr. Hausfeld in several surveys as one of Washington's 75 best lawyers, saying he "consistently brings in the biggest judgments in the history of law" and that he is "a Washington lawyer determined to change the world -- and succeeding."

His most recent awards include the 2002 B'Nai Brith Humanitarian of the Year award; the Simon Wiesenthal Center Award for Distinguished Service; and the U.S. Department of Energy's Human Spirit Award, presented "in tribute to a person who understands the obligation to seek truth and act on it is not the burden of some, but of all; it is universal."

He is a frequent speaker on antitrust, human rights and international law, most recently participating in a panel discussion at the Spring Meeting of the ABA Section of Antitrust Law entitled "International Antitrust: Developments After Empagran and Intel" and at the School of Oriental and African Studies (SOAS) Annual Meeting in London entitled "Human Rights in An Integrated World: The Apartheid Reparations Litigation in the USA." He taught Masters Degree courses at Georgetown University Law Center from

1980 to 1987, and was an Adjunct Professor at the George Washington University Law School from 1996 to 1998 and now sits on its Board of Directors.

Mr. Hausfeld is a graduate of Brooklyn College, receiving a B.A. in Political Science with a minor in Russian History (*cum laude*, 1966) and the National Law Center, George Washington University (J.D., *with honors*, 1969). He was a member of the Order of the Coif and the Board of Editors for the George Washington Law Review (1968-69).

He is admitted to practice in the District of Columbia.

#### **Steven J. Toll**

Steven J. Toll joined the Firm in 1979 and has been lead or principal counsel in some of the most highly publicized stock fraud cases over the past 25 years. He is a member of the Securities Fraud/Investor Protection practice group.

Some of Mr. Toll's more notable cases include those against Lucent Technologies, which was settled for approximately \$575 million, the second largest securities class action settlement ever achieved; Caremark (\$25 million recovery for shareholders), where the defendant pled guilty to Medicare fraud and paid the U.S. Government a fine of approximately \$160 million; and National Health Labs, which paid \$65 million to settle shareholder and derivative cases. The breadth of his experience is shown from his work on the litigation teams in *In re Saxon Securities Litigation* (S.D.N.Y.) (fraud involving fictitious photocopier sales; recovery of \$20 million); *In re ECI Telecom Securities Litigation* (E.D.Va.) (telecom company accused of presenting false revenue and earnings figures; recovery of \$22.75 million); *In re Immunex Securities Litigation* (W.D. Wash.) (biotech company accused of concealing significant business problems; recovery of \$14 million); *Grossman v. Waste Management*, (N.D. Ill.) (defendant accused of withholding information concerning violations of the environmental laws and regulatory standards; recovery of \$13 million); *In re Jiffy Lube Securities Litigation* (D. Md.) (company accused of deceptive accounting practices; recovery of \$12 million); and *In re Itron Securities Litigation* (E.D. Wash.) (defendant company accused of concealing flaws in its technology; recovery of \$12 million).

Mr. Toll also served as co-lead counsel in one of the most publicized frauds of the 1990s -- *Cascade International* (S.D. Fla.) where the mastermind of the fraud, Victor Incendy, is still a fugitive from justice. The case settled on the eve of trial against Raymond James Inc. -- the only securities class action ever successfully litigated against a brokerage firm for its role as a research analyst.

He is currently one of the Firm's team serving as co-lead counsel in the securities fraud class action involving Parmalat, the Italian dairy manufacturer; the case is known as Europe's "Enron". He is also leading several securities fraud cases against other public companies.

Mr. Toll was profiled in the February 1996 *Washington Business Journal* as one of five attorneys that stand out as the "cream of the crop" in the Washington D.C. legal community.

He has written for and spoken at various conferences about securities law issues, including, *inter alia*, *The Plaintiffs' Perspective, Securities Regulation and the New Law*, National Legal Center for the Public Interest, No. 1, Sept. 1996; *The Sarbanes-Oxley Bill Provides No Assistance To Investors Seeking To Recovery From Corporate Fraud*, ABA Annual Meeting, August 2002; and *The Analyst Cases Involving Merrill Lynch, and Its Internet Analyst Henry Blodget, and Salomon Smith Barney and Its Telecommunications Analyst Jack Grubman*, Mass Torts Made Perfect (presented January 2003).

Mr. Toll is an honors graduate of the Wharton School of the University of Pennsylvania (B.S., Accounting, *cum laude*, 1972). He graduated from Georgetown University Law Center (J.D., 1975) where he was Special Project Editor of the Tax Lawyer.

He is admitted to practice in Virginia and the District of Columbia.

#### **Lisa M. Mezzetti**

Lisa Mezzetti, a Partner at Cohen Milstein, joined the Firm in 1984, and is a member of the Securities Fraud/Investor Protection and the Consumer Protection practice groups.

In her securities work, Ms. Mezzetti represented the corporate plaintiff in a private litigation alleging damages from the purchase of a healthcare technology company, and represented 1,900 plaintiffs in a series of 25 federal court suits concerning municipal bonds. Her shareholder class actions include *Murphy, Derivatively On Behalf of Nominal Defendant National Health Laboratories Inc. v. Perelman* (Cal. Super. San Diego Cty.) (global settlement of class and derivative litigations for total of \$65 million); *Flecker v. Hollywood Entertainment Corp.* (D. Or.) (\$15 million settlement, reached the day before trial was to begin); and *Biben v. Card* (W.D. Mo.) (93% of class members' damages recovered in settlement). She also has represented parties in securities arbitrations (both as claimant's counsel or defense counsel for the broker) and defended clients in investigations and enforcement actions of the Securities and Exchange Commission.

In consumer cases, Ms. Mezzetti is or was one of the lead counsel in *In re Lupron Marketing and Sales Practices Litigation* (D. Mass.) (brought against pharmaceutical companies on pricing policies and methods; combined \$150 million settlement pleading); *Howard v. Ford Motor Co.* (Cal. Sup. Ct.) (order of the Court on equitable count required prospective recall of 1.7 million cars; settled immediately before scheduled second jury trial); and *Fischl v. Direct Merchants Credit Card Bank, N.A.* (Henn. Cnty. Minn.) (brought by credit card consumers, alleging improper charges and payment processes; settlement included credits for overpayments and changes in business practices). She has litigated class actions under the ERISA laws, and brought one of the first class actions filed under the federal Family and Medical Leave Act.

Ms. Mezzetti is a public arbitrator for the National Association of Securities Dealers, hearing disputes between customers and brokers. She speaks at legal education seminars and has been quoted in the media on issues concerning consumer law and securities class actions. Ms. Mezzetti most recently was a panelist at the Federal Trade Commission's Workshop on Consumer Class Actions and at the annual conference of the Association of Trial Lawyers of America on unfair trade practices and deceptive trade practices statutes. The transcript of the FTC workshop, and her related article, *The Coupon Can Be the Ticket: The Use of "Coupon" and Other Non-Monetary Redress in Class Action*

*Settlements* (co-authored with Whitney Case) are published at 18.4 Geo. J. Legal Ethics 1431 (2005). She also speaks on corporate governance issues at conferences of institutional investors, and was a guest panelist on a Washington, D.C. cable television show concerning hiring and working with stock brokers and financial advisors.

Before joining Cohen Milstein, Ms. Mezzetti was a litigation associate of Shea & Gould of New York City.

Ms. Mezzetti serves as a member of the Boards of Directors of The International Alliance for Women (a worldwide organization that supports and promotes women entrepreneurs, professionals and executives) and The Financial Women's Association of New York. She is on the D.C. Advisory Board of The Joffrey Ballet of Chicago.

Ms. Mezzetti graduated from the Columbus School of Law, Catholic University of America in 1980, where she served as a Vice-Chancellor of the Moot Court Board. In 1986, she received a Master of Laws degree, with a specialty in Securities Regulation, from Georgetown University Law Center. Her bachelor's degree was awarded by Stonehill College (B.A, English., *magna cum laude*, 1977).

Ms. Mezzetti is admitted to practice in the District of Columbia and New York.

#### **Andrew N. Friedman**

Andrew Friedman, a Partner at the Firm, joined Cohen Milstein in 1985. He is the head of the Consumer Protection practice group and a member of the Securities Fraud/Investor Protection practice group.

In the consumer protection area, Mr. Friedman is litigating numerous class actions including cases on telephone company overcharges, *Strugano v. Nextel Communications, Inc., et al.* (Sup. Ct., L.A. Cnty, CA) and defective automobile engine coolants, *In re General Motors Dex-Cool Products Liability Litigation* (S.D. Ill). He has been instrumental in securing significant recoveries on behalf of thousands of consumers. He was one of the principal counsel in *Snyder v. Nationwide Mutual Insurance Company* (Sup. Ct., Onondaga Cnty, N.Y.), a class action that resulted in a settlement valued at between \$85 million and \$103 million. As one of two co-lead counsel in a class action against Thomson Consumer Electronics, Mr. Friedman reached a court-approved agreement that made up to \$100 million available for persons who paid for unreimbursed repairs to televisions.

Mr. Friedman also has been involved in many successful securities class actions. He served as one of co-lead or principal counsel in *Norman Frank et al. v. David L. Paul* (recovery of over \$18 million); *In re Jiffy Lube Securities Litigation* (D. Md.) (recovery of over \$12 million); and *In re Immunex Securities Litigation* (W.D.Wash.) (recovery of \$14 million, then the largest securities class action settlement in Seattle). Mr. Friedman was one of the Firm's attorneys selected by the County of Cuyahoga, Ohio to prosecute a lawsuit that sought to recover losses from the County's Secured Assets Fund Earnings Program (S.A.F.E.). The lawsuit alleged that broker/dealers and a financial institution



assisted the County in engaging in unsuitable and inappropriate investments and trading activity. The case settled favorably for \$9.5 million.

Mr. Friedman has been a speaker on numerous panels and legal education seminars on various topics, including securities class actions and accounting fraud. He was featured in a November 15, 1997 *Washington Post* article about securities class actions and profiled in the April 14, 2000 edition of *The Washington Business Journal*.

Prior to joining Cohen Milstein, Mr. Friedman served as an attorney with the U.S. Patent and Trademark Office.

Mr. Friedman graduated from Tufts University with a B.A. in Psychology (1980, *magna cum laude*, Phi Beta Kappa) and is a 1983 graduate of the National Law Center, George Washington University.

He is admitted to practice in the District of Columbia and New York.

#### **Richard S. Lewis**

Richard Lewis, a Partner at the Firm, joined Cohen Milstein in 1987 and is the head of the Unsafe Drugs & Environmental Health Threats practice group, for both domestic and international matters.

He has been appointed to serve as co-lead counsel in mass tort and class action cases including *In re StarLink Corn Products* (N.D. Ill) (settlement of \$110 million) and *In re PPA* (asserting claims by users of unsafe over-the-counter medicines). He has also been appointed to the MDL Steering Committee in *In re Prempro Products Liability Litigation* (E.D. Ark.).

In addition, Mr. Lewis served as lead counsel in numerous actions to obtain medical monitoring relief for communities exposed to toxic chemicals from hazardous waste disposal practices or unsafe drugs. These include *In re Diet Drug Litigation* (Fen-Phen) (E.D. Pa), which resulted in a \$4 billion settlement providing medical monitoring in addition to individual personal injury awards in the hundreds of thousands of dollars, and *Harman v. Lipari*, a Superfund case that resulted in a settlement providing medical monitoring for thousands of residents who lived on or played near a landfill. He has litigated both individual and class childhood lead poisoning cases and he is presently lead counsel in a case against the lead pigment industry, *City of Milwaukee v. NL Industries Inc.*, which has succeeded on appeal. Mr. Lewis is also handling mass tort cases involving Vioxx, Celebrex, Bextra and Hormone Therapy, and environmental cases in India and Zambia.

Mr. Lewis graduated from Tufts University with a B.A. in English (*cum laude*, 1976), and earned his Master's in Public Health degree from the University of Michigan (1981) and his law degree from the University of Pennsylvania (J.D., *cum laude*, 1986). He was Comments Editor for the University of Pennsylvania Law Review (1985-86) and authored the Comment, *O.C.A.W. v. American Cyanamid: The Shrinking of the Occupational Safety and Health Act*, U. Pa. L. Rev. (July, 1985). After law school, he

was a law clerk for the Honorable Stanley S. Brotman, U.S. District Court for the District of New Jersey.

Mr. Lewis is admitted to practice in the District of Columbia.

**Daniel S. Sommers**

Daniel Sommers, a Partner at the Firm, joined Cohen Milstein in 1988. He heads the Securities Fraud/Investor Protection practice group.

Mr. Sommers currently is lead or co-lead counsel in numerous securities fraud class actions, including *In re Compuware Securities Litigation* (E.D. Mich.); *In re Gilat Satellite Securities Litigation* (E.D.N.Y.); and *In re Interpool Securities Litigation* (D.N.J.).

Mr. Sommers played a major role in numerous cases which resulted in multi-million dollar recoveries for individual and institutional investors, including *Steiner v. Southmark Corporation* (N.D.Tex.) (over \$70 million); *In re PictureTel Inc. Securities Litigation* (D.Mass.) (\$12 million); *In re Nextel Communications Securities Litigation* (D.D.C.) (up to \$27 million); and *In re ECI Telecom Securities Ltd. Litigation* (E.D.Va.) (\$21.75 million). Mr. Sommers also represented a privately-held overseas corporation in a multibillion-dollar, multi-party, complex action alleging fraud in a corporate acquisition.

Mr. Sommers is a frequent commentator on issues relating to the federal securities laws and corporate governance issues. He was a guest panelist on "It's Your Business," a nationally syndicated television program, where he spoke on investor lawsuits, and has been quoted with respect to the federal securities laws in numerous publications including *Investor Relations* magazine. He also was a panelist at the George Washington University Law School, where he spoke on the practice of law from the plaintiff's perspective. Mr. Sommers also has spoken before various institutional investor groups, including the California State Association of County Retirement Systems, to whom he spoke on corporate governance and fiduciary duties and liabilities.

He is a 1983 graduate of Union College, earning a B.A. in Political Science (*magna cum laude*), and a 1986 graduate of the National Law Center, George Washington University.

He is admitted to practice in New York, New Jersey and the District of Columbia.

**Daniel A. Small**

Dan Small, a Partner at Cohen Milstein, joined the Firm in 1988 and is the head of the Antitrust practice group.

Among the antitrust cases on which Mr. Small is currently working are: *In re Microsoft Antitrust Litigation* (D. Md.), in which he serves as chair of the experts committee and *Rasmussen v. General Motors* (Cir. Ct., Milwaukee Cty., Wisc.) (and related cases in eight other states), a state-wide class action alleging conspiracy among auto manufacturers and distributors to maintain dual price systems between the United States



and Canada. He was co-lead counsel for the end-user plaintiffs in *In re Buspirone Antitrust Litigation* (S.D.N.Y.), a case alleging monopolization and market allocation claims against a brand name drug manufacturer for delaying generic entry to the market that settled for \$90 million. Mr. Small also was lead counsel for the plaintiffs in *Pease, et al. v. Jasper Wyman & Son, et al.* (Super. Ct., Knox Cty., Me), a price-fixing class action brought on behalf of Maine wild blueberry growers. The case was tried in November 2003, and the jury returned an \$18.68 million verdict for the Class, which after trebling and other additions, resulted in a \$56 million judgment.

Mr. Small's substantial appellate experience includes briefing and arguing *Free v. Abbott Laboratories* in the United States Supreme Court. The case presented the issue of whether a supplemental jurisdiction statute overruled *Zahn v. International Paper Co.* The Court split 4-4, with Justice O'Connor recusing herself. Mr. Small successfully briefed and argued appeals before the Seventh Circuit Court of Appeals in *In re Brand Name Prescription Drug Antitrust Litigation* (7th Cir. 1997) on the issue of whether the district court had subject matter jurisdiction, and in *Paper Systems, Inc. v. Nippon Paper Industries Co., Ltd.* (7th Cir. 2002) holding that the federal direct purchaser rule does not immunize a defendant from liability for the direct sales of its co-conspirators. Mr. Small also briefed and argued the appeal in *Mack v. Bristol-Myers Squibb* (Fla. 1st DCA 1996), the first opinion construing the Florida Deceptive and Unfair Trade Practices Act to permit indirect purchasers to sue for damages for antitrust violations.

He has been a speaker at events organized by the American Antitrust Institute, the Conference Board, the American Bar Association and the District of Columbia Bar, among others.

Mr. Small is a 1981 graduate of Colgate University, receiving a B.A. (*cum laude*) in History. He graduated from the American University's Washington College of Law in 1986 and joined Cohen Milstein after serving as Law Clerk to the Honorable Roger Vinson, U.S. District Judge for the Northern District of Florida (1986 to 1988).

Mr. Small is admitted to practice in Maryland and the District of Columbia.

#### **Joseph M. Sellers**

Joseph Sellers, a Partner at the Firm and head of the Civil Rights & Employment practice group, joined Cohen Milstein in 1997.

Mr. Sellers has represented victims of discrimination and illegal employment practices individually and through class actions. He has tried several civil rights class actions to judgment before juries and has argued more than 25 appeals in the federal and state appellate courts, including the United States Supreme Court. He has served as class counsel, and typically lead counsel, in more than 30 civil rights and employment class actions.

Those cases have included: *Beck v. Boeing Company* (W.D. Wash.), which included a class of more than 28,000 women employees at Boeing facilities in Washington state alleging sex discrimination in pay and overtime decisions; *Conway, et al. v. Deutsch*

(E.D. Va.), for a class of all female undercover case officers at the CIA alleging sex discrimination in promotions and job assignments; *Dukes v. Wal-Mart Stores, Inc.* (N.D. Cal.), where the Court has certified the largest class in such a case: more than 1.5 million women employees at Wal-Mart stores, alleging sex discrimination in promotions and pay decisions; *Johnson, et al. v. Freeh* (D.D.C.), for a class of African-American FBI special agents alleging racial discrimination in promotion and job assignments; *Keepseagle v. Venamen* (D.D.C.), for a class of Native American farmers and ranchers denied credit opportunities by USDA; and *Neal v. Director, D.C. Dept. of Corrections* (D.D.C.), the first sexual harassment class action tried to a jury, for a class of women correctional employees and women and men subject to retaliation at the D.C. Department of Corrections.

Throughout his career, Mr. Sellers has also been active in legislative matters. He has testified more than 20 times before Committees of the United States Senate and House of Representatives on various civil rights and employment matters. He worked on the passage of the Civil Rights Act of 1991 and the Americans with Disabilities Act of 1990.

Mr. Sellers has trained lawyers at the U.S. Equal Employment Opportunity Commission and the U.S. Department of Justice on the trial of civil rights cases and has lectured extensively throughout the country on various civil rights and employment topics. He was an Adjunct Professor at the Washington College of Law at American University, where he taught Employment Discrimination law, and at the Georgetown University Law Center, where he taught a course on Professional Responsibility.

He served on the Clinton/Gore Transition Team in 1992 and 1993. He headed the teams reviewing the operations of the EEOC, the Office of the Assistant Attorney General for Civil Rights, and various sections of the Civil Rights Division of the Department of Justice. He also served as a Co-Chair of the Task Force of the D.C. Circuit on Gender, Race and Ethnic Bias and was appointed by panels of the D.C. Circuit Court of Appeals and the U.S. District Court for the District of Columbia.

Mr. Sellers was recognized as one of the top lawyers in Washington by *Washingtonian Magazine* in 2002 and again in 2004, and as one of the top dozen employment lawyers in Washington by *The Legal Times*. He is a professionally-trained mediator and has served as the President of the Washington Council of Lawyers.

Prior to joining Cohen Milstein, Mr. Sellers served as head of the Employment Discrimination Project of the Washington Lawyers' Committee for Civil Rights and Urban Affairs for over 15 years.

Mr. Sellers received a J.D. from Case Western Reserve School of Law (1979), where he served as Research Editor of the Case Western Reserve Law Review, and a B.A. in American History and Literature from Brown University (1975).

Mr. Sellers is admitted to practice in the District of Columbia.

**Mark S. Willis**

Mark Willis joined the Firm in 1989 and is a Partner in the Securities Fraud/Investor Protection practice group. Mr. Willis heads the Firm's international securities practice as well as its domestic client development work.

Mr. Willis focuses his practice on investor protection issues, including the enforcement of the federal securities laws. In that role he works with a number of European and domestic institutional investors on investor protection and corporate governance matters. He currently acts as co-lead counsel in the *In re Parmalat Securities Litigation* (S.D.N.Y.), the largest fraud in European corporate history that is frequently referred to as Europe's "Enron". Mr. Willis represents Italian, French and Belgian institutions in that action. He also represented Brussels-based KBC Asset Management in the *In re Royal Dutch/Shell Securities Litigation*. Among other notable cases, Mr. Willis litigated against Caremark International in which Caremark was accused of federal Medicare fraud, subsequently pled guilty and paid the U.S. Government a fine of approximately \$160 million and \$25 million in a civil settlement. Mr. Willis also litigated against National Health Labs, which resulted in a \$65 million settlement, and settled claims against Nextel Communications and Motorola.

Mr. Willis has written extensively on corporate, securities and investor protection issues, often with an international focus. He authored Chapter 60 of *Securities Law Techniques*, titled *Admission of Securities to Official Listing on Stock Exchanges Within the European Union and the Subsequent Disclosure Obligations* (1998). He published a related article in the Fall 1997 issue of the *International Law News*, *A Brief Overview of the European Union's Efforts to Harmonize the Requirements for Listing Securities*. He also authored Chapter 196 of *Business Organizations with Tax Planning*, titled *Company Laws of the European Union* (1998). Mr. Willis wrote about investor protection issues in an article published in the July/August 2003 edition of *Professional Investor*, a United Kingdom-based journal for institutional investors and investment professionals. A second article, co-authored by Mr. Willis, appeared in the same publication's May 2005 edition. He was also the co-author of the Comment entitled *Corporation Code Sections 309 and 1203: California Redefines Directors' Duties Towards Shareholders*, *Pepperdine Law Review*, Volume 16, No. 4 (1989).

Mr. Willis has been a frequent speaker at institutional investor conferences on the issues of investor protection through the federal securities laws and the importance of using corporate governance measures to force companies to put the interests of their shareholders first. In addition to numerous forums in the United States, Mr. Willis was invited to address these topics at institutional investor conferences held in London and Paris in January 2003 and spoke at similar conferences in Munich and Milan in the Spring of 2005. He also addressed corporate governance issues at the Annual Conference of the National Council on Teacher Retirement in October 2004.

Mr. Willis obtained a Masters in International Law, with an emphasis in securities regulation, from the Georgetown University Law Center in 1993. He graduated from Pepperdine University School of Law in 1989 where he was a member of the Moot Court

Team and won the Dalsimer Moot Court Competition. Mr. Willis received his B.A. in English History from Brigham Young University in 1986.

Mr. Willis is admitted to practice in the District of Columbia and Massachusetts.

**Marc I. Machiz**

Marc Machiz, a Partner at Cohen Milstein, joined the Firm in 2000 and is the head of the Employee Benefits (ERISA) practice group. He is the resident Partner of the Philadelphia office.

Mr. Machiz litigates ERISA class actions involving inappropriate pension plan investments, the inappropriate investment in company stock by 401(k) plans, and illegal plan terminations including, among others, *Mehling, et al. v. New York Life Insurance Co., et al.*, (E.D. Pa.) and *In re Williams Company ERISA Litigation* (N.D. Okla).

He joined the Plan Benefits Security Division ("PBS") of the Office of the Solicitor of Labor as a trial attorney in 1978, and was appointed Assistant Counsel for Fiduciary Litigation in 1982. At the start of 1984, he joined Beins, Axelrod and Osborne, P.C. practicing general labor and ERISA law on behalf of unions and multiemployer plans. In 1986 he returned to the Department of Labor as Counsel for General Litigation at PBS, and from 1988 to 2000 held the position of Associate Solicitor, heading the Division. As Associate Solicitor, Mr. Machiz was the Department of Labor's chief ERISA lawyer charged with responsibility for all enforcement litigation brought by the Secretary of Labor under the statute, which governs the vast majority of privately sponsored health, welfare and pension plans. He was also responsible for all legal advice under the statute provided to the Pension & Welfare Benefits Administration, which administers Title I of ERISA.

Mr. Machiz worked to institute the Department's innovative amicus program which aggressively advocated the Department's views throughout the judicial system on a wide range of ERISA issues ranging from the need to limit ERISA preemption of state worker and consumer protection laws to the need to strengthen participants' rights and remedies under the Act.

Mr. Machiz's expertise in ERISA has been recognized by his colleagues in the ERISA bar, who made him a Charter Fellow of the American College of Employee Benefits Counsel. Mr. Machiz is a frequent speaker on ERISA issues for the ABA, ALI-ABA, and private seminars, and has served as plaintiffs' co-chair of subcommittees of the Employees Benefits Committee of the ABA's Labor Section. He is also a member of the *BNA Pension and Benefits Reporter* Advisory Board.

Mr. Machiz has authored several articles including *Understanding DOL's New Class Exemption for the Release of Claims and Extensions of Credit in Connection with Litigation*, *Pension & Benefits Reporter*, Vol. 31, No. 2, January, 2004; and *ESOPS, ERISA, and Employer Stock: A Litigator's Approach*, *ATLA Commercial Litigation Section Newsletter*, Volume 7, Number 3 (Spring/Summer 2001).

He attended the University of Pennsylvania, where he earned a B.A. in History, and received his law degree from the University of California at Berkeley (Boalt Hall) in 1978.

Mr. Machiz is admitted to practice in the District of Columbia and Pennsylvania.

**Paul T. Gallagher**

Paul Gallagher, a Partner at the Firm, joined Cohen Milstein in 1996. He is a member of the Antitrust and International practice groups.

In the antitrust area, he has been involved in the successful prosecution of price-fixing litigation against manufacturers of explosives, which resulted in a \$70 million settlement; a case against manufacturers of high fructose corn syrup for alleged price-fixing, which resulted in a settlement of over \$500 million; abuse of monopoly claims against U.S. Tobacco Company; and price-fixing claims against Mercedes-Benz and a number of its regional dealers.

In the last several years, Mr. Gallagher has developed an expertise in issues involving International antitrust litigation. He played a major part in the international *Auction Houses* price-fixing litigation, which settled for \$40 million. This suit was the first time that an international class, comprised solely of non-U.S. citizens, obtained compensation under the U.S. antitrust laws. He also argued and obtained a favorable D.C. Circuit Court of Appeals decision in the international *In re Vitamins Antitrust Litigation*, which has had a significant impact on antitrust jurisprudence and was characterized by one academician as "one of the most expansive antitrust decisions of the last 30 years."

In the human rights area, Mr. Gallagher played a prominent role in the historic litigation against major Swiss banks for withholding assets deposited by persecutees fleeing the Nazis prior to and during World War II. This litigation settled for \$1.25 billion. He also played an active role in the litigation and resolution of claims against the German government and industry for, among other claims, the use of persecuted persons to perform slave labor during the War. That case resulted in a settlement of over \$5.2 billion. Mr. Gallagher was honored by the Government of Poland for his contributions to this effort.

Mr. Gallagher received a B.A. in Government and Politics (1986) from George Mason University and graduated from the Marshall-Wythe School of Law of the College of William & Mary in 1992. He was a member of the William & Mary Law Review, as well as the Law Review of the University of Cincinnati School of Law, where he attended his first year of law school.

Mr. Gallagher is admitted to practice in the District of Columbia and Virginia.

**Linda P. Nussbaum**

Linda Nussbaum joined the Firm in 2001 and is the resident Partner of the New York City office and a member of the Antitrust practice group.

She is presently a lead or co-lead counsel in a number of significant antitrust class actions pending throughout the United States including: *In re Remeron Direct Purchaser Antitrust Litigation* (D.N.J.); *In re Microcrystalline Cellulose Antitrust Litigation* (E.D. Pa.); *In re K-Dur Antitrust Litigation* (D.N.J.); *In re Plastics Additives Antitrust Litigation* (E.D. Pa.); *In re Children's Ibuprofen Oral Suspension Antitrust Litigation* (D.D.C.); *In re Foundry Resins Antitrust Litigation*, (E.D. Oh.); and *In re DDAVP Litigation* (S.D.N.Y.).

She has recently served as a lead counsel in a number of antitrust class actions that have resolved favorably for the plaintiff class including *In re Lorazepam and Clorazepate Antitrust Litigation*, (D.D.C.), where, in approving the \$35 million settlement, Chief Judge Hogan commented, "Obviously, the skill of the attorneys, and I'm not going to spend the time reviewing it, I'm familiar with counsel, and they, as I said, are among the best antitrust litigators in the country;" *In re Relafen Antitrust Litigation* (D. Mass); and *Oncology & Radiation Associates, P.A. v. Bristol Myers Squibb Co.* (D.D.C.) (\$65 million settlement).

Ms. Nussbaum is a member of the American Law Institute. She has lectured at the ABA Antitrust Section Spring Meeting and at The University of San Francisco Pharmaceutical Antitrust Seminar.

Ms. Nussbaum received her undergraduate degree in Sociology and Journalism, *magna cum laude*, from Brooklyn College of the City University of New York in 1974, where she was a member of Phi Beta Kappa. She received her law degree from the National Law Center at George Washington University, where she graduated with honors in 1977. She received an LL.M. degree in Taxation from the New York University School of Law in 1984.

Ms. Nussbaum is admitted to practice in New York and the District of Columbia.

#### **Stewart M. Weltman**

Stewart Weltman joined the Firm in 2002 and is a Partner in the Antitrust practice group. In June, 2005, after having been in the Firm's Washington, DC office for two and one half years, Mr. Weltman returned to Chicago to head the firm's Chicago office on a full time basis.

Mr. Weltman is currently acting as co-lead counsel in the following antitrust cases: *In Re Carbon Black Antitrust Litigation* ( D.C. Mass.), in which the court recently certified a nationwide class; *In Re EPDM Antitrust Litigation* (D.C. Conn.), in which two defendants have settled claims for a total of \$55 million; *In Re PCP Antitrust Litigation* (D.C. Conn.), in which one defendant has settled claims for approximately \$40 million; and *In Re Pressure Sensitive Labelstock Antitrust Litigation* (M.D. Pa.). Mr. Weltman was a member of the Firm's team in *In re Vitamins Antitrust Litigation* (D.D.C.), which resulted in a trial verdict in favor of the plaintiffs and the class of \$49.5 million before trebling.



In addition to his antitrust responsibilities, Mr. Weltman also is currently acting as lead attorney or lead counsel in several securities fraud litigations. He is currently the lead attorney representing Pacific Life Insurance Company in its individual action brought against various underwriter defendants arising out of the WorldCom frauds. He also has been a leading lawyer in the redevelopment of what has become known as “holder” claims (shareholders who are induced to hold their securities by misrepresentations and omissions). He is co-lead counsel in the *Mercury Finance* class action (Cir. Ct., Cook Cnty., Ill.), one of the first of such “holder” class actions. In past cases, he served as Derivative Plaintiffs’ Lead Counsel in a securities fraud and derivative/breach of fiduciary duty case in which a \$33 million settlement was reached with the former directors and officers of the Public Service Company of New Mexico. He also served as co-lead counsel in *Benfield v. Steindler and General Electric Co.* (S.D. Ohio), a derivative action in which a settlement of \$21 million was reached.

Mr. Weltman has been an adjunct instructor at The John Marshall Law School, and has served as a lecturer and panel member for numerous FDIC and RTC investigator training seminars and for AICPA Litigation Support Section seminars. Mr. Weltman has been a lecturer for the Illinois Institute for Continuing Legal Education, and he co-authored an article for the American Bar Association Antitrust magazine, analyzing the Chicago School’s influence on the Seventh Circuit’s antitrust jurisprudence as of 1989.

Prior to joining Cohen Milstein, Mr. Weltman was a partner of Much Shelist Freed Denenberg Ament & Rubenstein P.C., and then a sole practitioner.

Mr. Weltman graduated from Roosevelt University with a B.A. in English Literature in 1975 and from the John Marshall Law School (J.D., *High Distinction*, 1978), where he was a member of the Law Review.

Mr. Weltman is admitted to practice in Illinois and the District of Columbia.

#### **Christine E. Webber**

Christine Webber, a Partner at the Firm and a member of the Civil Rights & Employment Practice group, joined Cohen Milstein in 1997. She is the Partner in charge of the law clerk and summer associate program.

Ms. Webber represents plaintiffs in class action employment discrimination and Fair Labor Standards Act cases. Ms. Webber's current docket includes *Dukes v. Wal-Mart Stores, Inc.* (N.D. Cal.), a certified class action for 1.5 million current and former female employees of Wal-Mart with complaints of discrimination in pay and promotion; *Hnot v. Willis* (S.D.N.Y.), representing a class of women at the vice-president level and above challenging sex discrimination in compensation and promotions; and *Jenkins v. BellSouth* (N.D. Ala.), representing a proposed class of African-American employees challenging race discrimination in promotions and compensation.

She represented plaintiffs in *Beck v. The Boeing Co.* (W.D. Wash.), a class action alleging sex discrimination in compensation and promotions which settled in 2004 for \$72.5 million. She was counsel in *Trotter v. Perdue* (D. Del.), representing plaintiffs

who were wrongly denied payment of overtime wages, and obtaining a \$10 million settlement. She is also representing workers in a similar case against Tyson Foods, Inc.

In 2004, Ms. Webber was named one of the Top Lawyers in Washington, D.C. by *Washingtonian Magazine*.

Prior to joining Cohen Milstein, Ms. Webber received a Women's Law and Public Policy fellowship and worked for four years at the Washington Lawyers' Committee for Civil Rights and Urban Affairs in their Equal Employment Opportunity Project. She worked on a variety of employment discrimination cases, and focused in particular on the sexual harassment class action *Neal v. Director, D.C. Department of Corrections, et al.* Ms. Webber participated in the trial of this ground-breaking sexual harassment class action in 1995. Ms. Webber also tried the race discrimination case *Cooper v. Paychex* (E.D. Va.), and successfully defended the plaintiffs' verdict before the Fourth Circuit.

Ms. Webber is a member of the National Employment Lawyers' Association (NELA) and co-chair of their Class Action Committee, and is a member of the Board of Advisors for the Annual Review of Gender and Sexuality Law of the Georgetown Journal of Gender and Law.

She graduated from Harvard University with a B.A. in Government (*magna cum laude*, 1988) and the University of Michigan Law School (J.D., *magna cum laude*, 1991, Order of the Coif). Following law school, Ms. Webber clerked for the Honorable Hubert L. Will, United States District Judge for the Northern District of Illinois.

Ms. Webber is admitted to practice in Illinois and the District of Columbia.

#### **Richard A. Koffman**

Richard Koffman, a Partner at the Firm, joined Cohen Milstein in 2003 and is a member of the Antitrust practice group. He is also co-chair of the firm's *Pro Bono* Committee.

He is currently serving as counsel for plaintiffs in, among other cases, *In re Rubber Chemicals Antitrust Litigation* (N.D. Ca.); *In re Polyester Staple Antitrust Litigation* (W.D.N.C.); and *Hwang Geum Joo, et al. v. Japan* (D.D.C.).

Mr. Koffman came to Cohen Milstein after four years as a senior trial attorney with the Antitrust and Civil Rights Divisions of the United States Department of Justice. Prior to joining the Department of Justice, he spent seven years in private practice, with Fine, Kaplan and Black in Philadelphia (working primarily on antitrust class actions and other complex commercial litigation) and then with Bernabei & Katz in Washington, D.C. (handling employment discrimination cases). While at Fine Kaplan, Mr. Koffman was actively involved in litigating several successful antitrust class actions on behalf of plaintiffs and classes, including *In re Nasdaq Market-Makers Antitrust Litigation* (S.D.N.Y.) (settled for more than \$1 billion); *In re Polypropylene Carpet Antitrust Litigation* (N.D. Ga.); *In re Commercial Explosives Antitrust Litigation* (D. Utah); and *In re Drill Bits Antitrust Litigation* (S.D. Tex.).



Immediately after law school, he served as a judicial clerk for Judge James B. McMillan of the Western District of North Carolina, and for Judge Anthony J. Scirica of the U.S. Court of Appeals for the Third Circuit.

Mr. Koffman is the author of *It's Not The First Time: Fudging the Truth in Discovery Proceedings Didn't Start with Clinton*, Legal Times, August 24, 1998.

He is a graduate of Yale Law School (J.D., 1990), where he was a Senior Editor of the Law Journal, and Wesleyan University, from which he received a B.A., *with honors*, in English (1986).

Mr. Koffman is admitted to practice in the District of Columbia.

#### **Attorney Profiles – Of Counsel & Associates**

##### **Scott L. Adkins**

Scott Adkins joined the firm in 2005 as an associate in the Securities Litigation Group, where he represents defrauded investors in, among other cases, *In re Sourcecorp Securities Litigation* (N.D. Tex.) and *In re Xybernaut Securities Litigation* (E.D. Va.). Both cases involve accounting irregularities and alleged misconduct by former directors and officers.

Before joining the firm, Mr. Adkins spent several years at Skadden Arps and Lerach Coughlin, where Mr. Adkins defended and prosecuted some of the more noteworthy cases to arise under the Private Securities Litigation Reform Act of 1995 (“PSLRA”) and the Securities Litigation Uniform Standards Act of 1998 (“SLUSA”). For example, at Skadden Arps, Mr. Adkins helped defend a panoply of actions filed after health care giant McKesson restated its earnings and saw \$9 billion in market capitalization evaporate. At Lerach Coughlin, Mr. Adkins prevailed in *In re Sawtek Securities Litigation* when he persuaded a district court that Section 804(b) of Sarbanes-Oxley revived previously time-barred claims – a real victory for investors in only one of two cases to so hold.

Mr. Adkins’s clients have included major airlines, hedge funds, accounting firms, software companies, chip makers, directors and officers of public and private companies, as well as individual investors. He has successfully represented these clients at the trial and appellate levels and in regulatory enforcement actions. Two of Mr. Adkins’s cases for individual investors led to those investors’ recovering 100% of their losses.

Mr. Adkins writes regularly about the federal securities laws. His most recent article, “Circuits Split Over Jurisdiction To Review SLUSA Remand Orders,” 33 Securities Regulation Law Journal 235 (Fall 2005), explains how the U.S. Court of Appeals for the Seventh Circuit recently misinterpreted SLUSA’s federal jurisdiction provisions and issued an appellate decision in the absence of appellate jurisdiction to do so in *Kircher v. Putnam Funds*, a case now pending certiorari before the United States Supreme Court.

After being honorably discharged from the United States Marine Corps, Mr. Adkins graduated from Florida Atlantic University with a B.A. in Chemistry in 1994. Then, in 1997, Mr. Adkins graduated Order of the Coif and with honors from The George Washington University Law School. After graduating law school, Mr. Adkins served first as law clerk to The Honorable Daniel T.K. Hurley, United States District Court, Southern District of Florida. Then, Mr. Adkins served as law clerk to The Honorable Alice M. Batchelder, United States Court of Appeals for the Sixth Circuit.

Mr. Adkins is admitted to practice in California and Delaware.

#### **R. Joseph Barton**

Joseph Barton joined Cohen Milstein as an Associate in 2001 and is a member of the Employee Benefits, Securities Fraud/Investor Protection and Antitrust practice groups.

Since joining the Firm, Mr. Barton has been actively involved in a number of class action employee benefit cases, including a case against New York Life Insurance Company, which alleges ERISA and RICO violations regarding the investment of the company's pension and 401(k) plans; and most recently a case against Qwest Communications alleging that it violated ERISA regarding certain benefits provided to its retirees.

Mr. Barton is or has been active in a number of securities fraud lawsuits including *In re Physician Corporation of America Securities Litigation* (S.D.Flor.) (settlement of \$10.2 million); *In re MCI Securities Litigation* (D.D.C.); and *In re Gilat Satellite Networks Securities Litigation* (E.D.N.Y.). He also represents limited partners of Lipper Convertibles, a now-defunct hedge fund, in a class action arbitration against the former general partners, and in federal court litigation against the outside auditor. Mr. Barton worked on a number of antitrust actions, including *Ferko v. National Association of Stock Car Racing* ("NASCAR") (E.D. Tex.) and *In re High Fructose Corn Syrup Antitrust Litigation* (D.Minn.), (settled for more than \$500 million).

Mr. Barton worked on several *pro bono* cases, as well. Along with the non-profit law firm Midwest Environmental Advocates, Mr. Barton provided pro bono representation to the grassroots citizens' action group Clean Water Action Council of Northeastern Wisconsin, with regard to natural resource damages in the Fox River area of Wisconsin. Mr. Barton currently is representing a client in D.C. Superior Court against her former employer, which refused to pay her minimum wage and/or overtime.

Mr. Barton is the author of *Determining the Meaning of "Direct Evidence" in Discrimination Cases Within the Eleventh Circuit: Why Judge Tjoflat was (W)right*, 77 Fla. B.J. 42 (2003), *Drowning in a Sea of Contract: Application of the Economic Loss Rule to Fraud and Negligent Misrepresentation Claims*, 41 Wm. & Mary L. Rev. 1789 (2000), and *Utilizing Statistics and Bellwether Plaintiff Trials: What do the Constitution and the Federal Rules of Civil Procedure Permit?*, 8 Wm. & Mary Bill Rts. J. 199 (1999). Each of Mr. Barton's published articles have been cited by both courts and commentators.

Prior to joining the Firm, Mr. Barton served as a judicial law clerk to the Honorable Lenore C. Nesbitt, United States District Judge for Southern District of Florida (2000-2001).

Mr. Barton received his undergraduate degree from the College of William & Mary (B.A., 1991) with a major in History and minor in Classical Studies, and graduated from the College of William & Mary, Marshall-Wythe School of Law (J.D., Order of the Coif, 2000). In law school, he received the Lawrence W. P'Anson Award for outstanding student scholarship, character and leadership, the William B. Spong Award for professionalism and ethics, the Robert R. Kaplan Award for excellence in legal writing and was a member of Order of the Barrister. He served on the Editorial Board of the Law Review and was a staff member of the Bill of Rights Journal. Mr. Barton was a member of the William & Mary National Trial Team and served as Vice-President of the William & Mary Chapter of the Association of Trial Lawyers of America.

Mr. Barton is admitted to practice in California and the District of Columbia.

**Elizabeth A. Berney**

Elizabeth Berney joined the Firm as Of Counsel in 2005 and is a member of the Securities Fraud/Investor Protection practice group.

Her current work includes several securities fraud class actions, including cases in federal courts in New Jersey, Florida, Michigan, and California.

Ms. Berney is the co-author (with Melvyn Weiss) of *Restoring Investor Trust in Auditing Standards and Accounting Principles*, published in the Harvard Journal of Legislation (Winter, 2004). She also has written extensive materials for legal seminars and speeches. She served as a guest lecturer for a Cardozo Law School ethics class, was a featured speaker and panelist for the Women's National Book Association, and appeared in a German television documentary. She is a member of the Federal Bar Council.

Prior to joining Cohen Milstein, Ms. Berney was an active member of the plaintiffs' legal teams in leading securities fraud, consumer, and human rights class action including the Enron and Xerox shareholder litigations, the Ford Explorer/Firestone Tire litigation, and the Holocaust Assets cases.

From 2000-2005, Ms. Berney practiced law at the plaintiffs' class action firm of Milberg Weiss Bershad & Schulman, LLP. Previously, she worked at Dewey Ballantine in the tax and municipal bonds fields, where she obtained the rulings needed to finance construction of the Intrepid Museum; at Gilbert Segall and Young (now part of Holland & Knight), where she focused on foreign sovereign immunities and general commercial litigation; as in-house counsel for a college; and in her own legal and literary practice, where she negotiated agreements for computer companies and notable authors.

Ms. Berney is an avid amateur violinist. She played violin in the Chicago Civic Orchestra while in law school, and, more recently, has played in the New York City Bar

Association Lawyers' Orchestra and COSMOS (the Chamber Orchestra of Science and Medicine).

Ms. Berney is a graduate of Cornell University earning a B.S. in Industrial and Labor Relations with a minor in Music (*with honors*, 1975) and the University of Chicago Law School (J.D., 1978).

Ms. Berney is admitted to practice in New York and Pennsylvania.

**Benjamin D. Brown**

Benjamin Brown joined the Firm as an Associate in May, 2005 and is a member of the Antitrust practice group. He has extensive experience in complex litigation and class actions.

Mr. Brown came to Cohen Milstein after four years as a trial attorney with the Antitrust Division of the United States Department of Justice. While there, Mr. Brown led and assisted in numerous investigations of potential anticompetitive conduct and mergers, as well as numerous criminal prosecutions. Prior to joining the Department of Justice, he spent three years as a litigator in private practice: first with Heller Ehrman White & McAuliffe in San Francisco, California, working primarily on complex commercial litigation, including class actions, and then with Covington & Burling in Washington, D.C., handling insurance coverage and antitrust litigation.

Mr. Brown is a graduate of Harvard Law School (J.D., *cum laude*, 1997), where he was on the Executive Board of the Harvard Civil Rights - Civil Liberties Law Review, and the University of Wisconsin - Madison (B.A. in Philosophy, with distinction, Phi Beta Kappa, 1992). After law school, he served as a judicial law clerk for Chief Judge Juan R. Torruella of the U.S. Court of Appeals for the First Circuit.

Mr. Brown is admitted to practice in California, admission pending in the District of Columbia.

**Michael W. Byrne**

Michael Byrne joined Cohen Milstein as an Associate in 2004 and is a member of the Antitrust practice group.

He currently works on cases against Microsoft for violations of Section 2 of the Sherman Act and various state anticompetitive statutes, as well as various cases alleging price fixing and other antitrust violations.

Prior to joining the Firm, Mr. Byrne served as Law Clerk to the Honorable Robert J. Kapelke on the Colorado Court of Appeals.

Mr. Byrne received his undergraduate degree in Economics from the University of Virginia (B.A., 1997) and graduated with honors from the National Law Center, George Washington University (J.D., 2002). While in law school, Mr. Byrne was a staff member

of the International Law Review and performed research for the National Committee to Prevent Wrongful Executions, and was a Judicial Intern to the Honorable Peter H. Ney on the Colorado Court of Appeals.

Mr. Byrne is admitted to practice in Colorado and the District of Columbia.

**Christopher J. Cormier**

Christopher Cormier joined Cohen Milstein in 2003 as an Associate in the Antitrust practice group.

Mr. Cormier is currently involved in *In re Terazosin Hydrochloride Antitrust Litigation*, (S.D. Fla.) (\$30 million settlement pending); *Alco Industries, Inc. v. BASF Corp., et al.*, (D.N.J.) (representing a putative class of direct purchasers of several chemicals in a price-fixing case); and *In re Parcel Tanker Shipping Services Antitrust Litigation* (D. Conn.) (arbitration pending). He has worked on *In re Relafen Antitrust Litigation* (D. Mass.) (\$175 million settlement) and *Pease v. Jasper Wyman & Son, Inc., et al.* (Knox Cnty Sup. Ct., ME) (trebled jury verdict of \$56 million).

Prior to joining the Firm, Mr. Cormier was an associate at the Baltimore firm of Semmes, Bowen & Semmes, where he focused on commercial litigation matters including antitrust and insurance coverage cases.

Mr. Cormier graduated from the University of Virginia with a B.A. in Government, (1999) and from the American University's Washington College of Law (J.D., *magna cum laude*, 2002). Mr. Cormier served as a judicial intern to the Honorable Deborah K. Chasanow, United States District Court for the District of Maryland, and as a legal extern in the Antitrust Division of the United States Department of Justice.

Mr. Cormier is admitted to practice in Maryland.

**Joshua S. Devore**

Joshua Devore, an Associate at the Firm, joined Cohen Milstein in 2000 as a member of the Securities Fraud/Investor Protection practice group.

He is currently working on several active securities fraud class actions (including the litigation on the collapse of the Italian dairy conglomerate Parmalat), and in numerous actions against securities industry analysts for issuing misleading analyst reports. He has actively participated in a number of cases that resulted in substantial recoveries for investors, including *In re Lucent Technologies, Inc. Securities Litigation* (settlement of approximately \$575 million) and *In re PSINet, Inc. Securities Litigation* (settlement of \$17.8 million).

Mr. Devore graduated from Rice University in 1997 with a B.A. in Chemistry, and obtained his law degree from Georgetown University Law Center in 2000. While at Georgetown, Mr. Devore served as an Executive Editor of the Georgetown International

Environmental Law Review. Mr. Devore is co-author of *State Court Class Actions: Trends and Issues*, in *National Institute on Class-Actions*, C-1 (ABA CLE 1999).

Mr. Devore is admitted to practice in the District of Columbia and Virginia.

**George Farah**

George Farah joined the Firm as an Associate in September, 2005 and is a member of the Antitrust practice group.

Prior to joining the Firm, he worked on several issue-oriented campaigns. He is the founder of Open Debates, a nonprofit, nonpartisan Washington-based organization committed to reforming the presidential debate process. Before attending law school, Farah worked to expose the harms of media concentration and the IMF's structural adjustment programs at Ralph Nader's Center for the Study of Responsive Law.

Mr. Farah is the author of the book *No Debate: How the Republican and Democratic Parties Secretly Control the Presidential Debates* from Seven Stories Press (April, 2004). His articles have been published in *The Boston Globe*, *The Philadelphia Inquirer*, *The Denver Post*, *The Christian Science Monitor*, *Fort Lauderdale Sun-Sentinel*, *Extra! Magazine*, and other publications.

Mr. Farah has appeared on dozens of television programs, including "Nightline," "NOW with Bill Moyers," "20/20," "CBS Evening News with Dan Rather," "NBC Nightly News with Tom Brokaw," "CNN Lou Dobbs Tonight," and "Countdown with Keith Olbermann." Mr. Farah has been interviewed on over 100 radio shows, including NPR's "To the Point," "Keep Hope Alive With Jesse Jackson," "Democracy Now!," "CounterSpin," and "Judicial Watch Report."

Farah has given several talks on the political process at colleges and universities, hosted numerous televised press conferences and was a Newsmaker at the National Press Club in 2004.

Mr. Farah is a graduate of Harvard Law School (J.D., 2005), and Princeton University (B.A., Woodrow Wilson School of Public and International Affairs, 2000). Mr. Farah was the recipient of a Paul and Daisy Soros Fellowship, and a delegate to the 2005 International Achievement Summit.

Mr. Farah is pending admission to practice in New York.

**Shelly Friedland**

Shelly Friedland joined the Firm's New York office in 2005 as an associate in the Antitrust practice group.

Ms. Friedland is currently involved in *In re DDAVP Direct Purchaser Antitrust Litigation* (S.D.N.Y.), *In re Microcrystalline Cellulose Antitrust Litigation* (E.D.Pa.), and *In re Rubber Chemicals Antitrust Litigation* (N.D.Ca.).

Prior to joining Cohen Milstein, Ms. Friedland was an associate in the litigation department at Kronish Lieb Weiner & Hellman, where she practiced commercial litigation and white collar criminal law. While at Kronish Lieb, Ms. Friedland represented the family of a victim of the September 11 World Trade Center bombing in its application to the federal Victim Compensation Fund, and a defendant seeking to overturn a wrongful murder conviction. Previously, she was an associate in the litigation department at Paul, Weiss, Rifkind, Wharton & Garrison.

Ms. Friedland received a bachelor's degree in economics from Columbia University (1987), graduating *summa cum laude* as a member of Phi Beta Kappa. She spent her junior year studying at the Hebrew University of Jerusalem and while at Columbia, was a member of the Columbia University Glee Club. Ms. Friedland received her law degree from Harvard Law School (J.D., 1997, *cum laude*). Ms. Friedland was an editor of the Human Rights Law Journal and served as President of the Roscoe Pound Society, a student organization for second-career law students, while at Harvard.

Ms. Friedland is admitted to practice in New York.

#### **Agnieszka M. Fryszman**

Agnieszka Fryszman, an Associate at the Firm, joined Cohen Milstein in 1998 and is a member of the International Human Rights and Antitrust practice groups.

She currently represents Indonesian villagers in a lawsuit against Exxon Mobil over torture and extrajudicial killings allegedly committed by the defendant's security forces (a unit of the Indonesian military). For the past several years, she has represented the former "comfort women," women and girls who were forced into sexual slavery by the government of Japan during World War II. Her past successes include cases brought by survivors of Nazi-era forced and slave labor against the German and Austrian companies that allegedly used and profited from slave labor, which were resolved by international negotiations that resulted in multi-billion dollar settlements.

In the Antitrust practice group, she represents small businesses that have been victims of alleged price-fixing in the polyester staple and rubber chemicals markets.

She has represented, *pro bono*, a number of victims of the September 11 attack on the Pentagon and obtained significant recoveries, including one of the highest awards for an injured survivor, from the Victim's Compensation Fund. She also represents, *pro bono*, individuals indefinitely detained without charge by the United States at Guantanamo Bay.

Before joining the Firm, Ms. Fryszman was Democratic counsel to the United States House of Representatives Committee on the Judiciary, Subcommittee on Commercial and Administrative Law. She also served as counsel to Representative Henry Waxman, Ranking Member on the House Government Reform and Oversight Committee.



Ms. Fryszman graduated from Brown University with a B.A. in International Relations and Georgetown University Law Center (J.D., *magna cum laude*, 1996, Order of the Coif), where she was a Public Interest Law Scholar.

Ms. Fryszman is admitted to practice in the District of Columbia and New Jersey.

#### **Reena Gambhir**

Reena Gambhir joined Cohen Milstein as an Associate in 2004 and is a member of the Antitrust and International practice groups.

Ms. Gambhir is currently working on, among other antitrust class actions, *In re: Hydrogen Peroxide Antitrust Litigation* (E.D.Pa.) and *In re Pressure Sensitive Labelstock Antitrust Litigation* (M.D.Pa.) alleging price-fixing on behalf of purchasers. Among other international and *pro bono* matters, Ms. Gambhir represents a detainee being held at the U.S. government's detention facility in Guantanamo Bay, and residents of Bhopal, India who are exposed to the 1984 Union Carbide gas leak's uncontrolled remaining toxic waste.

Prior to joining the Firm, Ms. Gambhir served as a summer associate and also as a law clerk at the Public Defenders Service for the District of Columbia and the Washington Legal Clinic for the Homeless. In addition, she studied in the International Human Rights Law program at Oxford University, and was a student attorney in the International Human Rights Clinic at the George Washington University Law School. Prior to law school, Ms. Gambhir worked as a paralegal at an immigration law firm in Boston, Massachusetts.

Ms. Gambhir received a B.A. from Boston College in English Literature (*cum laude*, 1999) with a minor in American Gender and Race Studies. She received a Master of Arts in the Humanities from the University of Chicago (2000), and her law degree from the National Law Center, George Washington University (*with honors*, 2004), where she was a Thurgood Marshall Scholar.

Ms. Gambhir is admitted to practice in Massachusetts, admission pending in New York.

#### **Avi Garbow**

Avi Garbow, Of Counsel at the Firm, joined Cohen Milstein in 2005, and is a member of the Securities Litigation group. Prior to joining the Firm, Mr. Garbow was a Junior Partner at Wilmer Cutler Pickering Hale and Dorr in their Securities and Litigation Departments. At Wilmer, Mr. Garbow focused on complex civil and criminal litigation, with an emphasis on internal investigations and financial fraud matters. Before joining Wilmer, Mr. Garbow served over ten years in government as a federal prosecutor in the Justice Department's Environmental Crimes Section, a Special Assistant United States Attorney, and a Special Assistant to the Assistant Administrator for Enforcement at the U.S. Environmental Protection Agency. Mr. Garbow has also served as an instructor at the Justice Department's National Advocacy Center. He received special commendations



from both the Department of Justice and the Environmental Protection Agency for his trial work.

Mr. Garbow also serves as Vice Chair of the American Bar Association's International Human Rights Committee, and Chair of its Subcommittee on Inter-American Human Rights. In addition, he also regularly works with the Robert F. Kennedy Memorial Center for Human Rights, mainly advocating on behalf of certain international human rights defenders.

He is a graduate of the University of Virginia School of Law (J.D., 1992) (where he was the recipient of the Robert F. Kennedy Award for Public Service), the University of Virginia Graduate School of Arts and Sciences (M.A. in Marine Affairs, 1994), and the University of Michigan (B.A., *magna cum laude*, 1988). He is also a former firefighter.

Mr. Garbow is a member of the Virginia and District of Columbia bars.

**Llezzlie L. Green**

Llezzlie Green, an Associate at Cohen Milstein, joined the Firm in 2004 and is a member of the Civil Rights & Employment practice group.

Ms. Green currently is involved in *Keepseagle v. Veneman* (D.D.C.), where plaintiffs allege the USDA discriminated in granting access to and servicing of farm loans to Native American farmers and ranchers; *Chase v. AIMCO*, alleging that the U.S.'s largest apartment management company violates the Fair Labor Standards Act by failing to pay its maintenance employees for time spent responding to emergency tenant service requests; and *Arnold v. Cargill*, which alleges discrimination against African-American salaried employees in performance evaluations, promotions, compensation, and terminations.

Ms. Green is a member of the National Employment Lawyers Association and the Washington Council of Lawyers

Before joining Cohen Milstein, Ms. Green worked for Wilmer Cutler & Pickering, where she focused on complex litigation and securities investigations and worked on various civil rights and international human rights *pro bono* projects. Ms. Green then clerked for the Honorable Alexander Williams, Jr. on the United States District Court for the District of Maryland.

Ms. Green graduated from Dartmouth College with a B.A. in Government (*cum laude*, 1997) and Columbia Law School (J.D., 2002), where she was a Harlan Fiske Stone Scholar. At Columbia, Ms. Green was active in the Black Law Students Association, participated in the Human Rights Clinic, and served as an Articles Editor for the Columbia Human Rights Law Review. She authored a Note, *Gender Hate Propaganda and Sexual Violence in the Rwandan Genocide: An Argument for Intersectionality in International Law*, 33 Colum. Hum. Rts. L. Rev. 733 (2002). While in law school, Ms.

Green interned at the Center for Constitutional Rights and the NAACP Legal Defense and Educational Fund.

Ms. Green is admitted to practice in New York and the District of Columbia.

**Matthew K. Handley**

Matthew Handley, an Associate at Cohen Milstein, joined the Firm in 2004 and is a member of the Securities Fraud/Investor Protection and International practice groups.

Mr. Handley currently is working on several active securities fraud actions against numerous issuers of securities for allegedly misleading investors, including *In re Fannie Mae Securities Litigation* (D.D.C.), *In re Pozen Securities Litigation* (M.D.N.C.), and *In re UICI Securities Litigation* (N.D.Tex.). Mr. Handley is also involved in the Firm's international civil rights actions, including representation of a class of Indian residents who have suffered from groundwater pollution and representation of disability groups against a nationwide builder for failing to design and build accessible apartments.

In his *pro bono* work, Mr. Handley has represented Nepali citizens in United States Immigration Court in political asylum proceedings.

Prior to joining the Firm, Mr. Handley was a litigation associate at Covington & Burling in Washington, D.C. He began his legal career as a law clerk for the Honorable William Wayne Justice, United States District Judge for the Eastern District of Texas. Before attending law school, Mr. Handley served two years as a Peace Corps Volunteer in Nepal, working as a rural construction engineer.

He graduated from Princeton University with a B.S.E in Civil and Environmental Engineering (1997) and attended the University of Texas School of Law where he graduated with high honors in 2002 and was selected for the Order of the Coif and Chancellors Honor Society. While at the University of Texas, he was an Articles Editor for the Texas Law Review and author of *Why Crocodiles, Elephants, and American Citizens Should Prefer Foreign Courts: A Comparative Analysis of Standing to Sue*, 21 Rev. Litig. 97 (2002).

Mr. Handley is admitted to practice in New York and the District of Columbia.

**Andrea L. Hertzfeld**

Andrea Hertzfeld, an Associate at Cohen Milstein, joined the Firm in 2004 as a member of the Antitrust practice group.

Ms. Hertzfeld currently is working on *Schwab v. Philip Morris, USA Inc., et. al.* (E.D. N.Y.), a case alleging RICO violations by the major tobacco companies in the sale and advertisement of "light" cigarettes, as well as litigation on behalf of the Guantanamo Bay detainees and an international environmental tort matter. Ms. Hertzfeld has been involved in, among other matters, the following antitrust litigation: *In re Parcel Tanker*

*Antitrust Litigation* (D. Conn.); *In re Publication Paper Antitrust Litigation* (D. Conn.); and *In re New Motor Vehicles Canadian Export Antitrust Litigation*.

Ms. Hertzfeld worked as a summer associate at Cohen Milstein in 2003. She also worked as a legal intern at the United States Attorney's Office in Boston, Massachusetts.

She received a B.A. with University Honors in Economics from Bowling Green State University (2000, *summa cum laude*), where she was a Frazier Reams Scholar and a member of Phi Beta Kappa. She received her law degree from Harvard Law School in 2004, where she served as an Article Editor on the Women's Law Journal.

Ms. Hertzfeld is admitted to practice in Ohio and the District of Columbia.

**Megan E. Jones**

Megan E. Jones, an Associate at the Firm, joined Cohen Milstein in 2001 and is a member of the Antitrust practice group.

She is currently involved in, among other class actions: *In re Polyester Staple Antitrust Litigation* (D. Conn.); *In re EPDM Antitrust Litigation* (D. Conn.); and *ERC v. Archstone* (D. Md.).

Ms. Jones is the author of several publications and presentations including *Bankers Beware: The Risks of Syndicated Credits*, in The North Carolina Banking Institute (1999); *Navigating the Sea of E-Commerce Regulation*, in Global E-Commerce Law and Business Report (2000); *A Legal Toolkit for E-Commerce in Latin America*, presented in Miami, FL (2000); and a live webcast interview on Internet Regulation, at [www.wallstreetreporter.com](http://www.wallstreetreporter.com) (2000).

Prior to coming to the Firm, Ms. Jones litigated intellectual property matters and represented clients before Congress at a Washington, D.C. law firm.

She received her B.A. in English from North Carolina State University in Raleigh, N.C. in 1995 (*magna cum laude*) and her J.D. from the University of North Carolina at Chapel Hill School of Law in 1999. During law school, she served as Article and Notes Editor of the Journal of the North Carolina Banking Institute. In addition, she competed as a member of the National Civil Trial Team. Ms. Jones also clerked for the Committee on the Judiciary, U.S. House of Representatives.

Ms. Jones is admitted to practice in North Carolina and the District of Columbia.

**Justine J. Kaiser**

Justine Kaiser joined the Firm as an Associate in 2001 and is a member of the Antitrust practice group. She is also a member of the Firm's Summer Associate Committee and assists in the hiring and training of paralegals.

Ms. Kaiser is currently involved in, among other matters, the *Canadian Auto Antitrust Litigation* (filed in a number of state courts throughout the country), *In re Neurontin Marketing and Sales Practices Litigation* (D. Mass.), and *Seegot Holdings, Inc. v. Bayer AG* (D.N.J.) (involving polyether polyols). Ms. Kaiser was also involved in the litigation, settlement and distribution of settlement proceeds in the following federal antitrust class actions: *In re Buspirone Antitrust Litigation* (S.D.N.Y.) involving the brand name drug BuSpar®, *Ivax Corporation v. Akzo Nobel Chemicals B.V.* (D.D.C) involving organic peroxides, and *Diamond Chemical Company v. Atofina Chemicals, Inc.* (D.D.C.) involving monochloroacetic acid and sodium monochloroacetate.

Ms. Kaiser's *pro bono* and volunteer work includes serving as a guardian *ad litem* for children in D.C. Superior Court, and acting as a mentor for young adults through the national organization JACS (Joint Action in Community Service, Inc.).

Prior to joining the Firm, Ms. Kaiser served as a judicial law clerk to the Honorable James P. Salmon, Court of Special Appeals for the State of Maryland (2000-2001).

Ms. Kaiser graduated with honors from Lehigh University in 1995 with a B.A. in Government. At Lehigh, she served as the President and Panhellenic Representative of Gamma Phi Beta Sorority. Ms. Kaiser graduated *cum laude* from American University's Washington College of Law in 2000. While in law school, Ms. Kaiser participated in the D.C. Law Students in Court clinic representing indigent clients in Landlord-Tenant and Small Claims Court. Ms. Kaiser also served as a staff member on the American University Law Review.

Ms. Kaiser is admitted to practice in the District of Columbia and Maryland.

#### **Brent W. Landau**

Brent W. Landau, an Associate, joined Cohen Milstein in 2002 and is a member of the Antitrust practice group.

Mr. Landau is currently working on *Schwab v. Philip Morris USA, Inc., et al.* (E.D.N.Y.), alleging a RICO conspiracy and fraud in connection with the marketing and sale of "light" cigarettes; *In re Microsoft Corp. Antitrust Litigation* (D. Md.), alleging monopolization of software markets; *Meijer, Inc. v. 3M Company* (E.D. Pa.), alleging monopolization of the market for invisible and transparent tape; and *State of West Virginia ex rel. McGraw v. Warrick Pharmaceuticals Corp.* (Cir. Ct., Kanawha Cty., W. Va.), alleging Medicaid fraud in connection with average wholesale prices for generic drugs. Other cases in which he has been involved include *In re Vitamins Antitrust Litigation* (D.D.C.), where a 2003 trial resulted in a trial verdict in favor of the plaintiffs and the class of \$49.5 million before trebling, the fifth largest that year; and *Ferko v. National Association for Stock Car Auto Racing, Inc.* (E.D. Tex.), alleging anticompetitive conduct in the market for top-level stock car racing (a settlement in the case succeeded in bringing the inaugural second Nextel Cup Series race to Texas Motor Speedway).

Prior to joining the Firm, Mr. Landau served as a judicial law clerk to the Honorable Bruce W. Kauffman, United States District Court for the Eastern District of Pennsylvania.

He is the author of *State Employees and Sovereign Immunity: Alternatives and Strategies for Enforcing Federal Employment Laws*, 39 *Harv. J. on Legis.* 169 (2002), and *State Bans on City Gun Lawsuits*, 37 *Harv. J. on Legis.* 623 (2000).

Mr. Landau graduated from the State University of New York at Binghamton, where he received a B.A. in History and Philosophy (*summa cum laude*, 1998) and was a member of Phi Beta Kappa. He obtained his law degree from Harvard Law School (*cum laude*, 2001), where he was co-chairperson of the Tenant Advocacy Project and a supervising editor of *The Harvard Journal on Legislation*.

Mr. Landau is admitted to practice in New York and the District of Columbia.

#### **Jason M. Leviton**

Jason Leviton, an Associate at Cohen Milstein, joined the Firm in 2004 as a member of the Securities Fraud/Investor Protection practice group.

He is currently involved in several major securities fraud cases at the Firm, including the class action of *Ong v. Sears, Roebuck, and Co.* (N.D. Ill) and the individual action named *Domenikos v. Nortel Networks Corp. et al.* (S.D.N.Y.). Mr. Leviton also worked on a \$7.5 million settlement against the auditing firm Coopers & Lybrand and several former officers of Mid-American Waste Systems (*Bovee v. Coopers & Lybrand, et al.*) (S.D.Ohio).

Prior to joining Cohen Milstein, Mr. Leviton was a securities class-action attorney with Milberg Weiss Bershad & Schulman LLP.

Mr. Leviton attended Gonzaga University where he received both a B.A. in Philosophy (2000) and a J.D. (*cum laude*, 2003). While in law school, he won the Linden Cup Moot Court competition and was a member of the Editorial Board of the *Across Borders International Law Journal*. Mr. Leviton also received a Master of Laws (Dean's Certificate, 2004) in Securities and Financial Regulations from Georgetown University Law Center. He was the inaugural LL.M. student selected for an externship with the SEC's Division of Enforcement

Mr. Leviton is admitted to practice in the states of Washington and Florida.

#### **Douglas J. McNamara**

Douglas McNamara, an Associate at the Firm, joined Cohen Milstein in 2001 as a member of the Antitrust and Consumer Protection practice groups.

He is currently involved in major litigation against the tobacco industry alleging a RICO fraud in connection with "light" cigarettes, and in pharmaceutical cases involving the drugs Oxycontin and Vioxx.

Prior to joining Cohen Milstein, Mr. McNamara was a litigation associate at Arnold & Porter, specializing in pharmaceutical and product liability cases. He started his career at New York City's Legal Aid Society, defending indigent criminal defendants at trial and on appeal.

He has authored two law review articles: *Buckley, Imbler and Stare Decisis: The Present Predicament of Prosecutorial Immunity and An End to Its Absolute Means*, 59 Alb. L. Rev. 1135 (1996); and *Sexual Discrimination and Sexual Misconduct: Applying New York's Gender-Specific Sexual Misconduct Law to Minors*, 14 Touro L. Rev. 477 (Winter 1998).

Mr. McNamara graduated from SUNY Albany with a B.A. in Political Science (*summa cum laude*, 1992) and New York University School of Law (J.D., 1995).

He is admitted to practice in New York.

#### **Victoria S. Nugent**

Victoria Nugent, an Associate, joined Cohen Milstein in 2000 and is a member of the Consumer Protection practice group.

Ms. Nugent has focused on consumer protection and public health litigation throughout her career, including *In re StarLink Product Liability Litigation* (N.D. Ill.), representing farmers whose corn crop was devalued as a result of StarLink's actions and recovering more than \$100 million in a landmark settlement; *In re General Motors Dex-Cool Products Liability Litigation* (S.D. Ill.), representing car owners seeking to enforce product warranties for an extended life coolant; and *Howell v. State Farm* (D.Md.), representing flood policy holders who were denied the full benefits of their government-backed insurance policies following Hurricane Isabel. Ms. Nugent has argued cases before the high courts of Georgia, Nebraska and the District of Columbia, and the federal D.C. Circuit Court of Appeals.

Before joining Cohen Milstein, she worked for seven years at Public Citizen, a national consumer advocacy organization. During that time, Ms. Nugent worked on many legislative and regulatory campaigns addressing issues that ranged from automobile safety to international trade policy. In 1998, Ms. Nugent received a two-year fellowship to undertake consumer rights litigation at Trial Lawyers for Public Justice (TLPJ), sponsored by the National Association for Public Interest Law (NAPIL). As a NAPIL Fellow, she helped develop and prosecute impact litigation in the areas of arbitration, banking, credit and insurance.

Ms. Nugent received her undergraduate degree in History from Wesleyan University in 1991 and graduated from Georgetown University Law Center in 1998.

**Steig D. Olson**

Steig D. Olson joined the Firm as an Associate in 2003 as a member of the Antitrust practice group.

He is currently involved in, among other cases, *In re Plastics Additives Antitrust Litigation*, (E.D.Pa) in which plaintiffs allege a price-fixing conspiracy by manufacturers of additives for plastics in the United States; *Molecular Diagnostics Laboratories v. Hoffman-La Roche, Inc.* (D.D.C.), for the unlawful monopolization of an enzyme used in DNA amplification, human-genome research, and medical diagnostics; and *Griffin v. Concord EFS, Inc.* (N.D.Cal.), which alleges that member banks of a network conspired to fix fees associated with ATM transactions.

Mr. Olson is the author of *Efforts to Delay Competition from Generic Drugs: Litigation Along a Seismic Fault Between Antitrust and Intellectual Property Law*, co-authored with Joshua P. Davis, 39 U.S.F.L. Rev. 1 (2004). He has also provided research assistance for several articles, including those of V. Schultz, *The Sanitized Workplace*, 11 Yale L.J. 2061 (2003); M. Mutua, *Savages, Victims, and Saviors: The Metaphor of Human Rights*, 42 Harv. Int'l L.J. 201 (2001); and L. Guinier, *Confirmative Action*, 25 L. & Soc. Inquiry 565 (2000).

Before joining Cohen Milstein, Mr. Olson clerked for the Honorable Barrington D. Parker, Jr. of the United States Court of Appeals for the Second Circuit, and the Honorable Vaughn R. Walker of the United States District Court for the Northern District of California.

Mr. Olson graduated from Harvard Law School, *magna cum laude* (J.D., 2001) and Vassar College with a B.A. in Philosophy (1997).

He is admitted to practice in New York.

**Marka A. Peterson**

Marka Peterson joined the Firm in 2003 as an Associate and is a member of the Securities Fraud/Investor Protection and Employee Benefits practice groups.

She is currently involved in, among other cases, *In re Globalstar Securities Litigation* (S.D.N.Y.); *In re Compuware Securities Litigation* (E.D.Mich.) and *In re Williams Company ERISA Litigation* (N.D. Okla)

Before coming to Cohen Milstein, Ms. Peterson served as the Fuchsberg Litigation Fellow at Public Citizen Litigation Group in Washington, D.C., where she litigated consumer and citizens' rights cases. Prior to law school, Ms. Peterson worked for the Union of Needletrades, Industrial and Textile Employees, running public campaigns on behalf of textile workers and conducting shareholder activities on behalf of the union's pension funds.



Following law school, Ms. Peterson clerked for the Honorable Stephanie K. Seymour, United States Court of Appeals for the Tenth Circuit.

Ms. Peterson received her undergraduate degree from Grinnell College (B.A., Political Science major and Chinese Studies minor, *with honors*, Phi Beta Kappa, 1989) and her law degree from New York University (J.D., Order of the Coif, 2001).

Ms. Peterson is admitted to practice in the District of Columbia and Texas.

#### **James J. Pizzirusso**

James Pizzirusso joined the Firm in 2001 as an Associate and is a member of the Unsafe Drugs & Environmental Health Threats and Consumer Protection practice groups.

Mr. Pizzirusso is currently working on cases involving lead paint, arsenic-treated wood, toxic solvents and low tar cigarettes. He and others at Cohen Milstein represent the City of Milwaukee in a public nuisance lawsuit against lead paint manufacturers and retailers. Mr. Pizzirusso was a member of the successful appellate team in *City of Milwaukee v. NL, Inc.* (Wisc. App. 2004). In overturning summary judgment in favor of defendants, the Wisconsin Court of Appeals became the first appellate court in the country to recognize the right of a governmental entity to bring a public nuisance and conspiracy lawsuit against the lead paint industry. Mr. Pizzirusso was also the lead student attorney and won a verdict in favor of the plaintiff under the Vaccine Injury Act in *Dela Rosa v. Secretary of HHS* (Fed. Cl. Aug. 14, 2001)(later settled for \$9 million in lifetime care for the plaintiff).

Mr. Pizzirusso served as a panelist for “Consumer Protection Statutes,” at the D.C. Bar Animal Law Conference in April 2004 and for “Public Interest Tort Litigation: Using Private Tort Actions to Further Environmental Justice & Public Ends,” at the Public Interest Environmental Law Conference in March 2003. He is the author of two papers: *Agency Rule-Making Power and the Clean Air Act: Putting the Brakes on American Trucking*, Spring 2001 Term: *Whitman v. American Trucking Associations, Inc.*, 7 Env’tl. Law. 729 (June, 2001) and *Increased Risk, Fear of Disease and Medical Monitoring – Are Novel Damage Claims Enough to Overcome Causation Difficulties in Toxic Torts*, 7 Env’tl. Law. 183 (September, 2000).

Prior to joining the Firm, he worked on several political campaigns and interned with the AFL-CIO.

Mr. Pizzirusso is a co-founder of the Vegetarian Legal Action Network (VLAN).

He graduated summa cum laude from the University of Tennessee-Knoxville with a B.A. in Environmental Policy (1998). While in college, he was a Whittle Scholar, a member of Phi Beta Kappa and earned the Torchbearer award for outstanding service to the University. In 2001, Mr. Pizzirusso obtained his law degree from George Washington University Law School (*with honors*) where he was a member of the Environmental Lawyer Journal and the Student Director of the law school clinical program. He was also



Vice President of the Trial Court Board and Captain of a team that placed first in the region in ATLA's 2000-2001 Student Trial Advocacy Competition.

Mr. Pizzirusso is admitted to practice in the District of Columbia and Virginia.

**Brian A. Ratner**

Brian Ratner, an Associate at the Firm, joined Cohen Milstein in 2001 and is a member of the Antitrust and International practice groups. Mr. Ratner is also a member of the firm's Summer Associate Committee.

Mr. Ratner has worked extensively on the matter of *In Re Vitamins Antitrust Litigation* (D.D.C.) on behalf of two certified classes of vitamin direct purchasers who were overcharged as a result of a ten-year global price-fixing and market allocation conspiracy. Mr. Ratner acted as one of the lead associates in a 2003 trial in the case before Chief Judge Hogan, in which a jury unanimously found in favor of the class, awarding them \$148,617,702 in trebled damages. The National Law Journal ranked this verdict as the 12<sup>th</sup> largest in 2003.

Mr. Ratner litigated, among other matters: *Empagran, S.A. et al. v. F. Hoffmann-LaRoche, Ltd., et al.* (D.D.C.), a case alleging a global vitamins price-fixing and market allocation conspiracy on behalf of foreign purchasers (remanded by U.S. Supreme Court); *In Re Publication Paper Antitrust Litigation* (D. Conn.), alleging price fixing and market allocation; and *Oncology & Radiation Associates v. Bristol-Myers Squibb Co.* (D.D.C.), alleging monopolization against a drug manufacturer, which settled for \$65 million.

Prior to joining Cohen Milstein, Mr. Ratner worked for Jones, Day, Reavis & Pogue where he focused on complex civil and commercial litigation, corporate securities litigation, and antitrust. He also performed merger clearance and corporate counseling antitrust work related to the CBS/Viacom and AOL/Time Warner mergers.

Mr. Ratner graduated from Indiana University-Bloomington with a B.A. in Journalism (1996) and a second major in Political Science. In college, he was a member of the Mortar Board National Honor Society, did undergraduate work at Hebrew University in Jerusalem, Israel, and worked on several political campaigns including the re-election campaign of former U.S. Senator Harris Wofford. Mr. Ratner obtained his law degree from the University of Pittsburgh School of Law (1999), where he was the Managing Editor of the Journal of Law and Commerce. During law school, Mr. Ratner externed for the Hon. Donetta W. Ambrose (W.D. Pa.).

Mr. Ratner is admitted to practice in New Jersey, Pennsylvania and the District of Columbia.

**Julie Goldsmith Reiser**

Julie Goldsmith Reiser joined the Firm in 1999 as an Associate and is a member of both the Securities Fraud/Investor Protection and Civil Rights & Employment practice groups.

Currently, she is working on *Dukes v. Wal-Mart Stores, Inc.* (N.D. Cal.), class action which has been certified for 1.5 million current and former female employees of Wal-Mart on complaints of discrimination in pay and promotion, and *In re Parmalat Securities Litigation* (S.D.N.Y.), a securities fraud class action alleging artificial inflation in the price of Parmalat's securities. She has also been involved in the litigation and successful settlement of *Beck v. The Boeing Co.* (W. D. Wash.), which alleged sex discrimination in compensation and promotions; *In re P-Com Securities Litigation* (N.D.Cal.) (\$16 million settlement); and *In re Sabratek Securities Litigation* (N.D.Ill.) (\$15.3 million settlement).

Ms. Reiser co-authored *Companies in the Cross Hairs: When Plaintiffs Lawyers Choose Their Targets, They Look for These Employment Practices*, The Legal Times, February 21, 2005. In 1999, she co-authored *Antitrust Introduction for the General Practitioner*, a chapter in the Washington Lawyer's Practice Manual.

Prior to joining Cohen Milstein, Ms. Reiser worked in Seattle, Washington where she focused primarily on guardianship and healthcare litigation. She was President of the Board of Directors of Seattle Works and chaired the Nominating Committee for the Board of Directors of the Eastside Domestic Violence Program. She also served a term as a Trustee for the Pacific Northwest Ballet. In 1997, Ms. Reiser worked as a Legal Intern for U.S. Senator Patty Murray.

Ms. Reiser graduated from Vassar College (B.A., International Studies, *with honors*, 1992) and the University of Virginia Law School (J.D., 1997). While in law school, she was a member of the Virginia Journal of Law and Social Policy.

Ms. Reiser is admitted to practice in Washington State and the District of Columbia.

#### **Bruce F. Rinaldi**

Bruce Rinaldi joined the Firm in 2004 as Of Counsel and is a member of the Employee Benefits practice group.

After clerking for United States District Judge James A. Walsh in Tucson, Arizona, Mr. Rinaldi taught at the University of Arizona School of Law and was in private practice in Tucson before serving as a Special Counsel in the Office of the General Counsel at the Securities and Exchange Commission. In 1979 he joined the Special Litigation Division in the Office of the Solicitor of Labor as Supervisory Trial Attorney, where he ran the litigation of *Donovan v. Fitzsimmons* (N.D. Ill.), negotiating and drafting a consent decree governing the management of billions of dollars in assets of the Teamsters Central States Pension Fund, which remains in effect today. Mr. Rinaldi also conducted a four month trial of allegations of ERISA fiduciary breaches with respect to the Teamsters Central States Health and Welfare Fund in *Brock v. Robbins* (D.C. N.D. Ill.).

In 1985 Mr. Rinaldi became the Senior Trial Attorney in the Plan Benefits Security Division of the Department of Labor. Mr. Rinaldi litigated a wide range of major fiduciary breach cases brought by the Secretary of Labor under ERISA including the seminal case of *Reich v. Valley National Bank* (S.D.N.Y.), concerning fiduciary breaches

in the acquisition of employer stock by an ESOP. In 1989 Mr. Rinaldi joined the Office of Thrift Supervision ("OTS") as the Associate Chief Counsel for Litigation and directed investigations and enforcement actions under the Financial Institutions Reform, Recovery, and Enforcement Act ("FIRREA") for fiduciary breaches arising out of failures of thrifts and savings and loan organizations. He directed all of the enforcement actions taken by the OTS against officers, directors, accountants, and attorneys associated with Lincoln Savings and Loan Association, the largest thrift failure in history. *See In re American Continental Corp./Lincoln Sav. & Loan Securities Litigation* (D.C. Ariz.).

In 2000, Mr. Rinaldi left the government for private practice. As the senior litigator at the McTigue Law Firm, Mr. Rinaldi was responsible as co-lead counsel for several cases, including the approved settlement of a case against the fiduciaries of the Morrison Knudsen 401(k) plan, which was resolved for \$21 million; *In re McKesson HBOC, Inc. ERISA Litigation* (N.D. Cal.); and *In re CMS Energy ERISA Litigation* (E.D.Mich.).

Mr. Rinaldi earned a B.A. in Political Science from the University of California at Berkeley in 1969, after spending three years as a Peace Corps volunteer in Venezuela, and then received his law degree from the University of California at Davis (King Hall) in 1972.

He is admitted to practice in the District of Columbia and is an inactive member of the Arizona and California Bars.

#### **Susan R. Schwaiger**

Susan Schwaiger joined Cohen Milstein as Of Counsel in 2001 and is a member of the Antitrust practice group.

Ms. Schwaiger currently works on a number of major multi-district antitrust litigations. In most of these cases the Firm serves as co-lead counsel. The cases include: *In re Plastics Additives Antitrust Litigation* (E.D.Pa.); *In re Microcrystalline Cellulose Antitrust Litigation* (E.D.Pa.) (partial \$50 million settlement with one defendant pending final court approval); *In re Pineapples Antitrust Litigation* (S.D.N.Y.); *In re Linens Antitrust Litigation* (S.D.N.Y.); and *In re Rubber Chemicals Antitrust Litigation* (N.D. Ca.). She participated in several antitrust cases successfully resolved, including *In re Lorazepam & Clorazepate Antitrust Litigation* (D.D.C.) (\$35 million settlement).

Prior to joining Cohen Milstein, Ms. Schwaiger was a litigation associate at Shearman & Sterling and Pomerantz, Haudek, Block, Grossman & Gross, LLP in New York City. At Shearman & Sterling, she was a key member of the litigation team representing Shannon Faulkner and several other women in their successful challenge to the all-male admissions policy of The Citadel Corps of Cadets in Charleston, South Carolina. After five years of litigation and three appeals, women were admitted to The Citadel and the court awarded fees to plaintiffs' counsel as a result of the defendants' "scorched earth tactics." At the Pomerantz firm, she worked on *In re Sorbates Direct Purchaser Antitrust Litigation*, (N.D.Cal.), which resulted in an \$82 million partial settlement fund.

Ms. Schwaiger received her bachelor's degree in 1971 with a major in Psychology from the University of Tennessee and a master's degree in Educational Psychology and Counseling from the University of Kentucky in 1973. She graduated *cum laude* from Brooklyn Law School in 1992, where she was a member of the Brooklyn Law Review.

Ms. Schwaiger is admitted to practice in New York.

**Daniel W. Sigelman**

Daniel Sigelman joined the Firm as Of Counsel in 2005 and is a member of the Unsafe Drugs & Environmental Health Threats practice group.

Mr. Sigelman concentrates on mass tort/product liability and economic injury litigation against pharmaceutical and medical device manufacturers. His current work includes class action medical monitoring lawsuits focusing on the safety of heart valves; mass tort and ERISA cases involving drug products, such as Vioxx; and third party payor litigation against drug and medical device companies. Prior to joining Cohen Milstein, he held lead roles in product liability actions against FDA-regulated companies, including *Grundberg v. The Upjohn Company* (D. Utah) and *In re St. Jude Medical, Inc., Silzone Heart Valves Products Liability Litigation* (D. Minn.).

Mr. Sigelman is an adjunct professor at the George Washington University Department of Health Policy and Health Services, where he teaches pharmaceutical policy. He is a frequent lecturer and commentator on health care and pharmaceutical/medical device issues. He has published several articles in *Trial* and other publications relating to discovery and the role of FDA regulation in pharmaceutical litigation and on congressional oversight of FDA's regulation of drug safety.

From 1979 to 1981, Mr. Sigelman served as a staff attorney to the Public Citizen Health Research Group. From 1981 to 1988, he was counsel to the House Subcommittee on Human Resources and Intergovernmental Relations, where he conducted investigative oversight of the Food and Drug Administration. His investigations produced numerous congressional hearings on the FDA's regulation of unsafe drugs, many of which were removed from the market for safety reasons. Some of his investigative findings forced changes in the FDA's regulations as well as review of procedures and policies and even led to several successful federal prosecutions of pharmaceutical manufacturers for violating the federal Food, Drug, & Cosmetic Act. He authored numerous congressional committee reports on his investigations of the FDA's regulation of the safety of the nation's human and animal drug and food supply. From 1988-2000, he practiced in Atlanta, Georgia where he worked on drug and medical device cases and other types of litigations.

Mr. Sigelman is a graduate of Dartmouth College (*summa cum laude*, 1972), where he received a B.A. in English. He attended the University of California, Berkley, earning a Master's degree in English (1975), and the Boalt Hall School of Law, the University of California, Berkeley (J.D., 1979).

Mr. Sigelman is admitted to practice in the District of Columbia and Georgia.

**Donna F. Solen**

Donna Solen, an Associate at Cohen Milstein, joined the Firm in 1997 and is a member of the Consumer Protection practice group.

At Cohen Milstein, Ms. Solen concentrates on complex litigation and class actions in consumer protection matters. Currently she works on, among other matters, *In re Lupron Marketing and Sales Practices Litigation* (D. Mass.) (brought against pharmaceutical companies on pricing policies and methods; combined \$150 million settlement pleading), a class action lawsuit for violations of RICO and various state laws brought by individuals and entities against drug manufacturers; *Strugano v. Nextel Communications, Inc., et al.* (Sup. Ct., L.A. Cnty, CA), a certified California class action lawsuit brought by subscribers for failure to provide notice of unilateral changes to subscriber agreements; and *Watkins, et al v. Dryclean USA, et al.* (Circuit Court, Miami-Dade County, FL), a class action lawsuit alleging violations of the Florida Deceptive and Unfair Trade Practices Act by drycleaners for charging a non-existent "environmental tax".

Ms. Solen graduated from Florida State University with a B.A. in Multinational Business (*magna cum laude*, 1994) and obtained her law degree from the University of Florida College of Law (J.D., *with honors*, 1997). While at the University of Florida, Ms. Solen served as Editor-in-Chief of the Florida Journal of International Law and was the author of a Note entitled *ISO 14000: Emerging International Environmental Law*, 10 Fla. J. Int'l L. 275 (1995) and a Comment entitled *Forum Non Conveniens and the International Plaintiff*, 9 Fla. J. Int'l L. (1994).

Ms. Solen is admitted to practice in Florida and the District of Columbia.

**Charles E. Tompkins**

Charles Tompkins, an Associate at Cohen Milstein, joined the Firm in 1999 and is a member of the Civil Rights & Employment and Antitrust practice groups. Mr. Tompkins also serves as the firm's Paralegal Coordinator, supervising the paralegals in all practice areas.

In the employment field, Mr. Tompkins obtained summary judgment in *Robinson-Smith v. GEICO* (D.D.C.) on behalf of a nationwide class of Auto Damage Adjusters whose employer, GEICO, refused to pay them overtime. GEICO began paying overtime shortly after the Adjusters' victory, and the United States Department of Labor has since cited *Robinson-Smith* in an official opinion letter. Mr. Tompkins was part of the legal team that obtained a \$10 million settlement on behalf of chicken-processing workers who were not paid for the time they spent putting on and taking off their required safety equipment (*Trotter v. Perdue Farms, Inc., et al.* (D.Del.)). Perdue Farms changed its practices as part of a global settlement, and now pays its employees for this time.

Mr. Tompkins also is a member of the team litigating *Dukes v. Wal-Mart Stores, Inc.* (N.D.Cal.), in which female employees of Wal-Mart seek redress for unfair gender

discrimination, in the largest Title VII certified class action. He is serving as counsel in *Chase v. AIMCO Properties, et al.*, in which apartment maintenance employees seek overtime pay for time spent responding to service requests; and *Hnot v. Willis, et al.* (S.D.N.Y.), in which the Court certified a class of over one hundred female insurance brokerage executives who allege sexual discrimination in compensation and promotions.

In the antitrust field, Mr. Tompkins was a member of the trial team that, following a two-week trial in a price-fixing case, obtained a \$56.4 million judgment on behalf of Maine wild blueberry growers. Mr. Tompkins also was part of the team that litigated the federal antitrust actions *Amo Marine Products, Inc., v. Brunswick Corp.* (D.Minn) (\$20 million settlement) and *Paper Systems, Inc. v. Mitsubishi Corp. et al.* (E.D.Wisc.) (\$20 million settlement on the eve of trial).

Mr. Tompkins also has significant appellate appearance. He was involved in the briefing and second-chaired the argument of *Free v. Abbott Laboratories* before the United States Supreme Court. In addition, Mr. Tompkins briefed and argued *Swift v. Auto-Zone* (S. Ct. Mass. 2003), an employment action alleging violations of Massachusetts state law, and *Manchester v. Primerica Financial Services, et al.* (11th Cir. 2001), an action alleging violations of California employment law and RICO.

Prior to joining Cohen Milstein, Mr. Tompkins was an associate with the Washington, D.C. office of Akin, Gump, Strauss, Hauer & Feld, L.L.P., where he focused primarily on employment class action litigation.

Mr. Tompkins graduated *magna cum laude* from Colgate University in 1992 with a B.A. in English and from the University of Virginia School of Law in 1997.

He has been admitted to practice in New York and the District of Columbia.

#### **Catherine A. Torell**

Catherine Torell is Of Counsel at Cohen Milstein. She joined the Firm in 2002 and is a member of the Securities Fraud/Investor Protection practice group.

Currently, Ms. Torell is involved in the *In re Parmalat Securities Litigation* (S.D.N.Y.) on which Cohen Milstein serves as co-lead Counsel. She also conducts investigations of securities fraud cases for the practice group, working with all of its litigators.

Prior to joining Cohen Milstein, Ms. Torell was associated with the firm of Entwistle & Cappucci LLP, where she served as co-lead counsel in *In re Providian Financial Securities Litigation* (E.D.Pa.), which resulted in a \$38 million settlement. In approving the settlement, the Court remarked on the “extremely high quality” and “skill and efficiency” of plaintiffs’ counsel’s work throughout the litigation. Ms. Torell also was previously associated with Goodkind Labaton Rudoff & Sucharow LLP, where she served as counsel to the New York City Pension Funds in *In re Orbital Sciences Corp. Securities Litigation* (E.D.Va.) (\$22.5 million settlement), as counsel to the Florida State Board of Administration in *LaPerriere v. Vesta Insurance Group, et al.* (N.D.Ala.) (\$61



million settlement), and as counsel to Amalgamated Bank of New York in *In re Bristol-Myers-Squibb Securities Litigation* (D.N.J.).

Ms. Torell received a B.A. in Political Science from Stony Brook University (1984) and her law degree from St. John's University School of Law (1990) where she was the recipient of the Federal Jurisprudence Award.

Ms. Torell is admitted to practice in New York.

#### **Jenny R. Yang**

Jenny Yang joined the Firm in 2003 as an Associate and is a member of the Civil Rights & Employment practice group.

Currently, she works on *Jenkins v. BellSouth* (N.D.Ala.), a race discrimination case alleging systemic discrimination in pay and promotions, and *Robinson-Smith v. GEICO* (D.D.C.) and *Lindsay v. GEICO* (D.D.C.), two separate nationwide lawsuits challenging GEICO's refusal to pay auto damage adjusters overtime. In addition, Ms. Yang was on the team that represented the plaintiffs and class in *Beck v. The Boeing Company* (W.D. Wash.), a class action alleging sex discrimination in compensation and promotions, which successfully settled for up to \$72.5 million.

Ms. Yang is a contributing editor of the ABA Labor & Employment Law Section's employment discrimination treatise, Lindemann & Grossman, *Employment Discrimination Law*, upcoming 4th Edition.

Prior to joining the Firm, Ms. Yang was a Senior Trial Attorney with the United States Department of Justice, Civil Rights Division, Employment Litigation Section, where she worked for five years on both pattern or practice and individual federal employment discrimination cases against state and local governments. She litigated cases involving discrimination based on race, sex and national origin. Before her work at the Department of Justice, Ms. Yang received a community service fellowship to work at the National Employment Law Project in New York City, a non-profit organization focusing on low-wage workers' rights. While there, she worked on ground-breaking joint-employer liability litigation to hold garment manufacturers liable for unpaid wages owed to garment workers under the Fair Labor Standards Act. After law school, Ms. Yang clerked for the Honorable Edmund Ludwig on the United States District Court for the Eastern District of Pennsylvania. In 1992-1993, Ms. Yang worked on the Presidential Transition and at the White House, Office of Presidential Personnel.

Ms. Yang served as a National Co-Chair and Board Member of the National Asian Pacific American Women's Forum from 1998-2004.

Ms. Yang graduated from Cornell University (B.A., Government, *with distinction*, 1992) and New York University School of Law (J.D., *cum laude*, 1996) where she was a Root-Tilden Public Interest Scholar and a Note and Comment Editor of the *Law Review*. From 2001-2003, she served as a government fellow for the American Bar Association, Labor and Employment Section, Equal Employment Opportunity Committee.



Ms. Yang is admitted to practice in the District of Columbia, New York and New Jersey.

**Valerie G. Esch**

Valerie Esch joined Cohen Milstein in 2002 as a Civil Rights Staff Attorney.

Ms. Esch manages the investigation of potential civil rights cases and assists in the Firm's employment discrimination litigation.

Ms. Esch graduated from North Carolina State University with a B.A. in Political Science (*with honors*, 1997) and obtained her law degree from the University of Baltimore School of Law (J.D., 2001). While in law school, Ms. Esch served as Manuscript Editor of the University of Baltimore's Law Forum and was the author of a Recent Development entitled *Attorney Grievance Commission of Maryland v. Painter*, 30.1 U. Balt. L.F. 72 (2000). Ms. Esch also served as a student attorney for the University of Baltimore School of Law Family Law Clinic in the Spring of 2001.

Ms. Esch is admitted to practice law in Maryland.